



Received & posted: K. Murray
TOWN CLERK
RECEIVED
LAKEVILLE TOWN CLERK

TOWN OF LAKEVILLE REMOTE MEETING NOTICE/ AGENDA

Posted in accordance with the provisions of MGL Chapter 30A, §. 18-25

2020 SEP 28 AM 8:59

Name of Board, Committee or Commission:	Zoning Board of Appeals
Date & Time of Meeting:	Thursday, October 1, 2020 at 7:00 p.m.
Location of Meeting:	REMOTE MEETING
Clerk/Board Member posting notice	Cathy Murray

AGENDA

- In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the October 1, 2020, public meeting of the **Zoning Board of Appeals** shall be physically closed to the public to avoid group congregation. **However, to view this meeting in progress, please go to facebook.com/lakecam (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**
- Petition hearings (Votes to be taken):**
Buginga hearing, continued – 33 Shore Avenue – request for an after-the-fact **Special Permit** under 6.3.2 & 7.4 to allow a shed to remain within the setbacks on a non-conforming lot.
Iafrate/Johnson hearing, continued – Bettys Neck Road-M065-B004-L025– request for a **Special Permit** under 6.1.1 & 7.4 to construct a single-family dwelling on a pre-existing, non-conforming lot where a dwelling was located previously but has since burned down.
Fuller hearing, continued – 32 Fuller Shores Road – request for a **Special Permit** under 6.1.3 & 7.4 to add a 20' x 11'6" storage area to the second story of a dwelling located on a non-conforming lot.
Martowska hearing, continued – 2 Edgewater Drive – request for a **Special Permit** under 7.4 to construct a walkway, a 44' x 28.5' garage, a pavilion approximately 16' x 12' and a patio within the setbacks on a pre-existing, non-conforming lot.
Maher hearing, continued – 8 Lincoln Street – request for a **Special Permit** under 6.13 & 7.4 to construct a 6-foot farmer's porch within the setback on a pre-existing, non-conforming lot.
- Meeting minutes (Votes to be taken)**
Approve the May 7, 2020, and August 20, 2020, meeting minutes.
- Old Business**
- New Business**

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.

Read the following into the record:

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

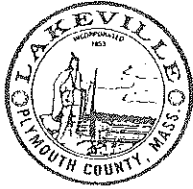
(TOWN OF LAKEVILLE SEAL)

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on THURSDAY, September 17, 2020, at 7:00 P.M. to hear the petition of **Jennifer L. Buinga**. An after-the-fact **Special Permit** under **6.3.2 & 7.4** is requested to allow a shed to remain, which is within the setbacks, on a non-conforming lot located at **33 Shore Avenue**, as provided by the Lakeville By-Laws.

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

Donald A. Foster, Chairman

September 3, & September 10, 2020



Town of Lakeville

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

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

August 12, 2020

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

Re: 33 Shore Av.

Dear Chairman Foster:

We received a copy of the Petition for Hearing for 33 Shore Av. Providing the shed that was recently built does not have a bedroom or any plumbing, then the Board of Health does not have any objections to the structure.

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

Sincerely yours,
For the Board of Health

Edward Cullen
Health Agent



Town of Lakeville
Conservation Commission
346 Bedford St.
Lakeville, MA 02347

Phone: (508) 946-8823 FAX: (508) 946-0112

To: Zoning Board of Appeals

Date: August 17, 2020

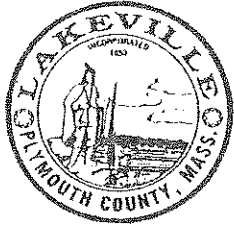
From: Conservation Commission

RE: 33 Shore Drive - Businga

The Conservation Commission held a hearing on a Notice of Intent for this property. The plan of record includes the shed referred to in the appeal. The entire lot is within the 100' buffer zone, including the shed.

The Commission approved the Notice of Intent and an Order of Conditions was issued. The shed in its current location does not pose any environmental threat, therefore no further action is required on this matter.

Robert J. Bouchard
Conservation Agent



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

Town of Lakeville

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

MEMORANDUM

TO: Board of Appeals
FROM: Planning Board
DATE: August 17, 2020
SUBJECT: Petition Review for Bugginga -- 33 Shore Avenue

At their Thursday, August 13, 2020, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

RECEIVED
JUL 16 2020
BOARD OF APPEALS

Name of Petitioner: Jennifer L. Buginga

Mailing Address: 135 Sharon Court, Bridgewater, MA 02324

Name of Property Owner: Jennifer L. Buginga

Location of Property: 33 Shore Ave Lakeville, MA 02347

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 46065 Page No. 209

Map 41 Block 9 Lot 11

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

Special Permit under Section (s) 6.3.2 & 7.4 of the Zoning Bylaws

Variance from Section (s) _____ of the Zoning Bylaws.

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial _____

Brief to the Board: (See instructions on reverse side – use additional paper if necessary.)

Petitioner makes reference to the attachment hereto,
which is incorporated herein, in its entirety, by
reference.

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: Jennifer Buginga

Date: 7/15/20

Signed: Jennifer Buginga

Telephone: 508-958-0968

Owner Signature: Owner/Petitioner Same
(If not petitioner)

Owner Telephone: _____

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

Attorney Peter A. Saulino
(Name and Title)

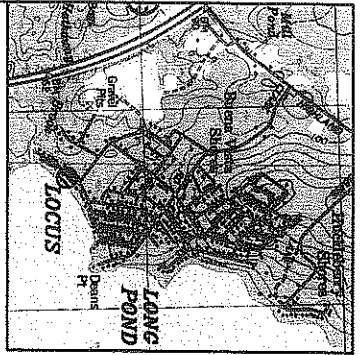
ATTACHMENT TO PETITION FOR SPECIAL PERMIT

APPLICANT/OWNER: JENNIFER L. BUGINGA

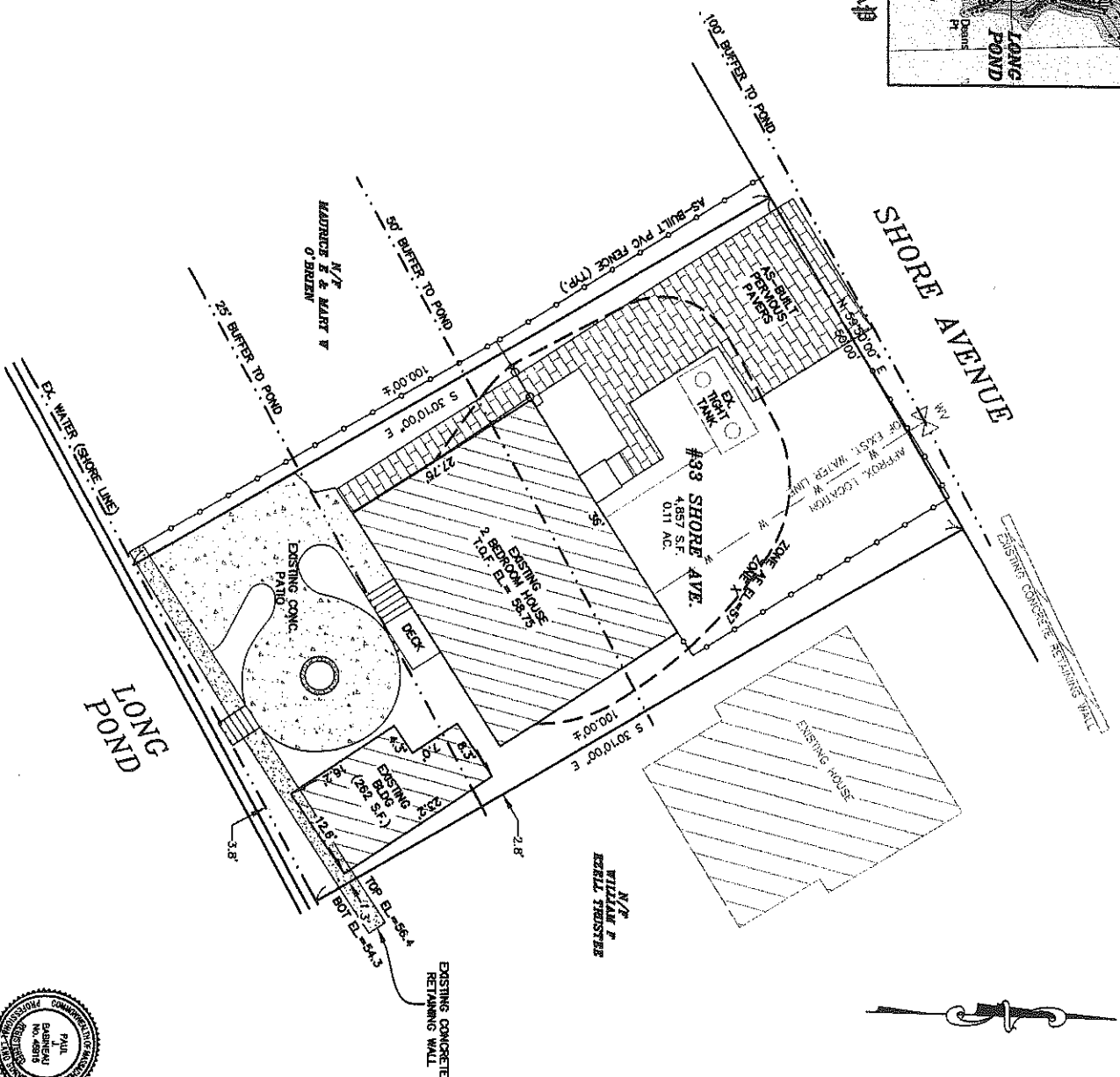
PROPERTY ADDRESS: 33 SHORE DRIVE, LAKEVILLE, MA 02347 ("Property")

1. Pursuant to Section 2.0 (Definitions), of the Lakeville Zoning By-Law (hereinafter "By-Law"), the existing building/shed would be construed as an accessory building, because it is a "building" incidental to or subordinate to and located on the same lot with the principal building.
2. Pursuant to section 6.3.2 of the By-Law, an accessory building shall not be located within the required front, side, or rear setback unless a Special Permit, for an accessory building or structure is granted.
3. Pursuant to Section 7.4 of the By-Law, the elements of finding for the issuance of a Special Permits are: a.) that the proposed use must be in harmony with the general purpose and intent of the By-Law, and b.) a finding that it is not noxious, harmful, or hazardous and is socially and economically desirable, the advantages outweigh the detrimental effects, the Applicant has no way to accomplish its purpose more in conformity with the By-Law.
4. The shed/building located at the Property was put up without a permit in error, but not maliciously. To the contrary, the Property went before the Conservation Commission in the Town of Lakeville on a Notice of Intent. The structure was shown on the Plan submitted at that time, but the Petitioner had no actual knowledge that needed a Special Permit too.
5. Therefore, the Petitioner is before the Zoning Board of Appeals for an after the fact Special Permit. It is submitted that the requested Special Permit should be granted because:
 - a.) The proposal is certainly not noxious or harmful, and is presently situated on the Property without issue.
 - b.) It is consistent with residential seasonal use on a beautiful section of the pond. However, there is no way to locate it on the site in a manner that will conform to current setbacks, because of the pre-existing nature of the lot, and how small it is.
 - c.) The shed/building generally conforms to the principals of good engineering and correct land use, because it is used incident to the primary use. It is not a commercial use, or some sort of rental. Rather, it is used by the owners to enjoy the sights and sounds of the pond

Conclusion/Relief Sought: A finding that the proposal is not detrimental to the neighborhood, and that a Special Permit allowing the same to exist be issued.



PROJECT MAP
N.T.S.



6-29-20

<p>OWNER</p> <p>JENNIFER L. BUGINGA 135 SHARON COURT BRIDGEWATER, MA 02324</p>
<p>APPLICANT</p> <p>MANNY BUGINGA 135 SHARON COURT BRIDGEWATER, MA 02324</p>
<p>FINAL AS-BUILT</p> <p>#33 SHORE AVE</p> <p>IN LAKEVILLE MASSACHUSETTS</p>
<p>165 EAST GROVE STREET MIDDLEBOROUGH, MA 02346 TEL: (508)-949-9231 FAX: (508)-947-8673 www.outback-eng.com</p> <p>DATE: DECEMBER 19, 2019 REVISED: JUNE 29, 2020 DRAWN BY: JET SHEET 1 OF 1 CHECKED BY: JAY SCALE: 1"=10' SHEET 1 OF 1</p> <p>OE-920A</p>

(TOWN OF LAKEVILLE SEAL)

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on THURSDAY, September 17, 2020, at 7:00 P.M. to hear the petition of **Nicholas Iafrate**. A **Special Permit** under **6.1.1 & 7.4** is requested to construct a single-family dwelling on pre-existing, non-conforming lot where a dwelling was located previously but has since burned down, as provided by the Lakeville By-Laws. The property site is **Bettys Neck Road, Map 065, Block 004, Lot 025**, and is owned by **Elaine M. Johnson**.

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

Donald A. Foster, Chairman

September 3, & September 10, 2020



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

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

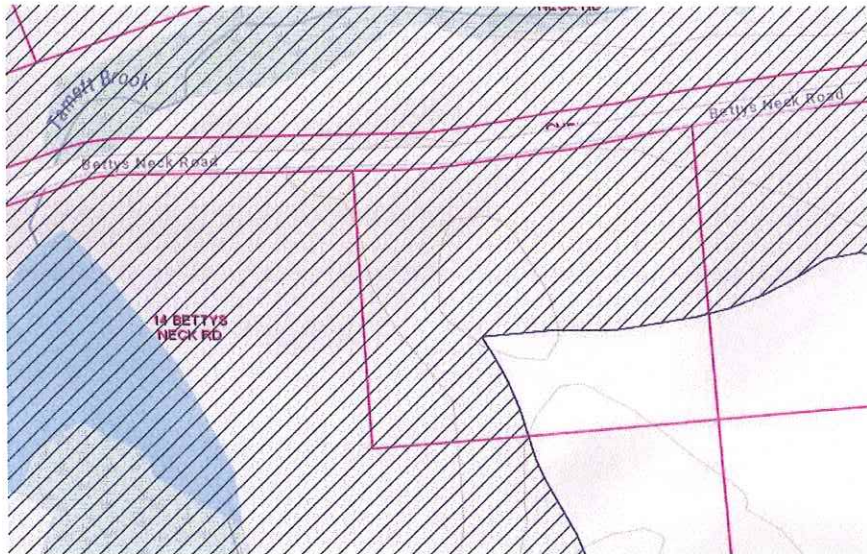
August 12, 2020

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

Re: 0 Betty's Neck

Dear Chairman Foster:

We received a copy of the Petition for Hearing for Betty's Neck, and have the following comments. Although the lot is in a sensitive area, it is possible to install a septic system in the lower right corner of the lot (see image). The remaining hatched portion of the lot is in a Zone A Surface Water Protection area, which prohibits septic components.



The Board of Health does not have any objections if the septic components are out of the Zone A. If you should have any further questions feel free to contact this office.

Sincerely yours,
For the Board of Health

Edward Cullen
Health Agent



*Town of Lakeville
Conservation Commission
346 Bedford St.
Lakeville, MA 02347*

Phone: (508) 946-8823 FAX: (508) 946-0112

To: Zoning Board of Appeals

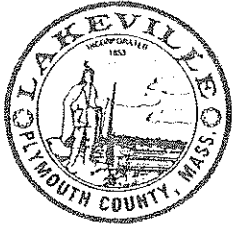
Date: August 17, 2020

From: Conservation Commission

RE: lafrate/Johnson – Betty's Neck Rd (006-004-025)

The Commission has reviewed this petition for a single-family house on the proposed lot and has no objection to the project at this location. No further action is required.

Robert J. Bouchard
Conservation Agent



Town of Lakeville

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

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

MEMORANDUM

TO: Board of Appeals

FROM: Planning Board

DATE: August 17, 2020

SUBJECT: Petition Review for Iafrate/Johnson--Betty's Neck Road(M006-B004-L025)

At their Thursday, August 13, 2020, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.

Shawn & Lisa Cusson
43 Nachaomet Road
Lakeville, MA 02347
(774) 213-9018

August 15, 2020

Donald A. Foster, Chairman
Town of Lakeville
Lakeville Zoning Board of Appeals

Dear Mr. Foster:

We are writing regarding a letter that we received notifying us of a public hearing for the petition of Nicholas lafrate, who is requesting a special permit to construct a single-family dwelling on a non-conforming lot. This non-conforming lot, Bettys Neck Road, M065, Block 004, L025 abuts our property at 43 Nachaomet Road.

We are writing as we have some questions and concerns regarding construction on the non-conforming lot. Please address the following:

- What is the specific window of time in which you are permitted to rebuild on a non-conforming lot? It is our belief that it is two years and if so, that has long expired.
- What was the size and structure of the previous dwelling that burned down? When did it burn down? We have not been able to find any information about the previous dwelling.
- If approved, will the new proposed dwelling be required to be of similar structure and size?
- The letter from the Board of Health regarding this lot mentions that it is in a sensitive area. What makes the area sensitive and how close to our property will the proposed septic system be? Looking at the photo in the Board of Health letter, the system would be in line with our well system which is concerning.
- A one-acre lot will be inconsistent with all the other lots in the neighborhood. All other single-family homes on Bettys Neck Road and Nachaomet Road are on a minimum of 1.6 acres. Many are on lots much larger.
- We are concerned about the environmental impacts from the clearing and new construction on this lot including runoff, soil erosion, and possible effects on the quality of our well water and on Tamett Brook, which leads to a drinking water supply.
- We are concerned about the physical habitat destruction of the local wildlife. For over 20 years that lot has been a wooded area. There is currently new construction (8-acre lot) abutting this non-conforming lot and the disruption of wildlife has been abundant. We have seen numerous deer, rabbits, woodchucks, fox etc. since the construction began on the 8-acre lot. Clearing more land will only add to this disruption of wildlife.

In conclusion, we are concerned about the detrimental environmental effects from additional land clearing and construction of this wooded area. If the special permit is approved, we request that a no-cut buffer of 60 feet from our property line is implemented.

Sincerely,

Shawn & Lisa Cusson

Petition to be filed with Town Clerk

TOWN OF LAKEVILLE MASSACHUSETTS

EXHIBIT "A"

RECEIVED JUL 16 2020

ZONING BOARD OF APPEALS PETITION FOR HEARING

BOARD OF APPEALS

Name of Petitioner: Nicholas Iafrate, Heartwood Development LLC

Mailing Address: 3 Trinity Circle, Bridgewater, MA 03324

Name of Property Owner: Elaine M. Johnson

Location of Property: 0 Betty's Neck Road

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 14096 Page No. 320

Map 065 Block 004 Lot 025

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought

Special Permit under Section (s) 6.1.1 and 7.4 of the Zoning Bylaws

Variance from Section (s) of the Zoning Bylaws.

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial

Brief to the Board: (See instructions on reverse side - use additional paper if necessary.)

Require special permit to build a new single family dwelling on said lot. There was a house previously on this lot that had burnt down in the 1980s. The lot is non-conforming as it relates to the current By-law but was considered pre-existing.

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: Nicholas Iafrate Date: 6-29-2020

Signed: [Signature] Telephone: 508 958 6876

Owner Signature: [Signature] Owner Telephone: 603-491-7238

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No (Name and Title)

Lakeville Zoning By-Law

- 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 not used for a period of two (2) years, shall 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. (Underlined- Adopted June 6, 2016; approved by Attorney General July 21, 2016)

7.4 Special Permits

- 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: (Underlined-Adopted June 6, 2016; approved by Attorney General July 21, 2016.)

Bettys Neck Rd

Bettys Neck Rd

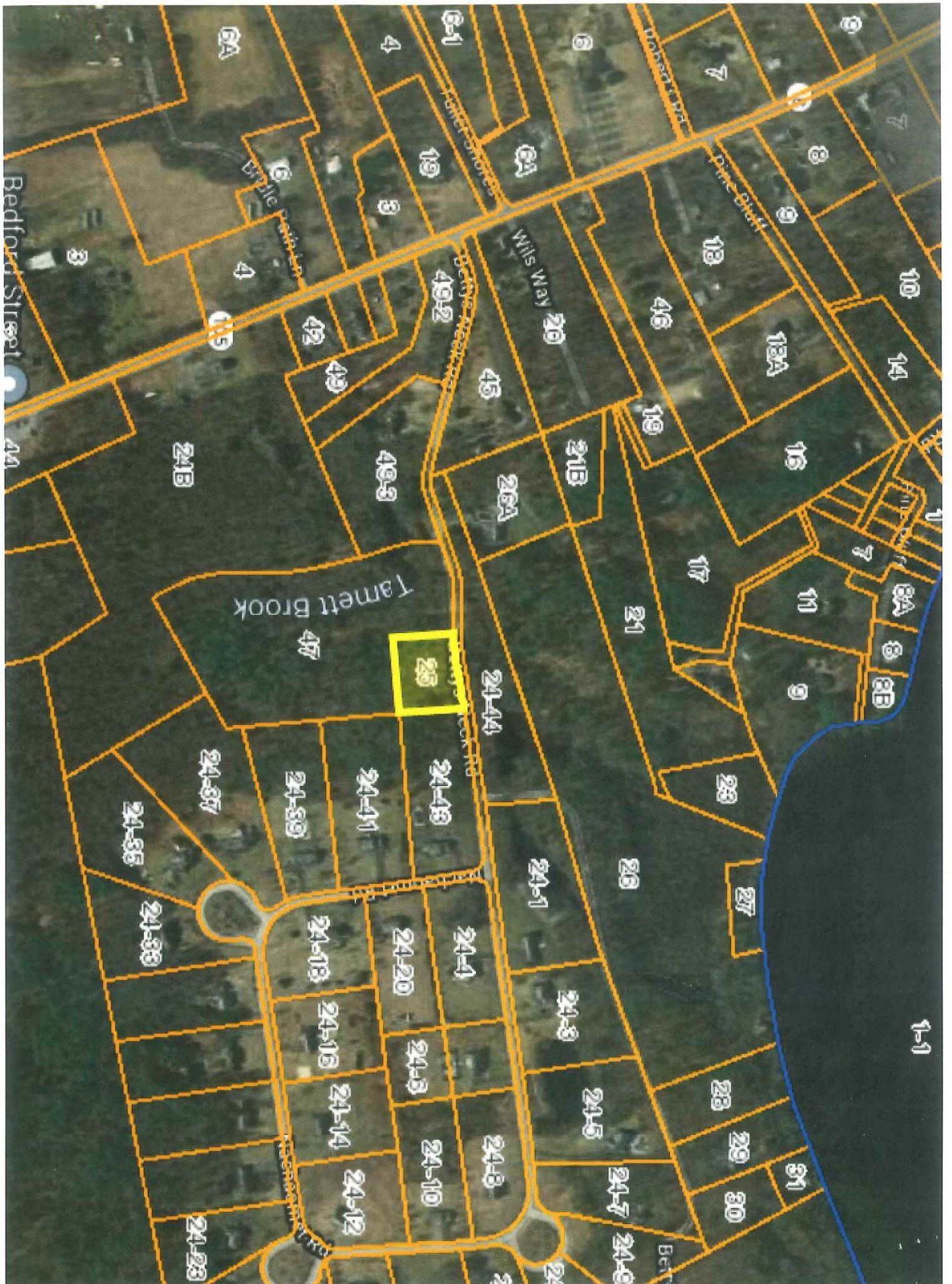
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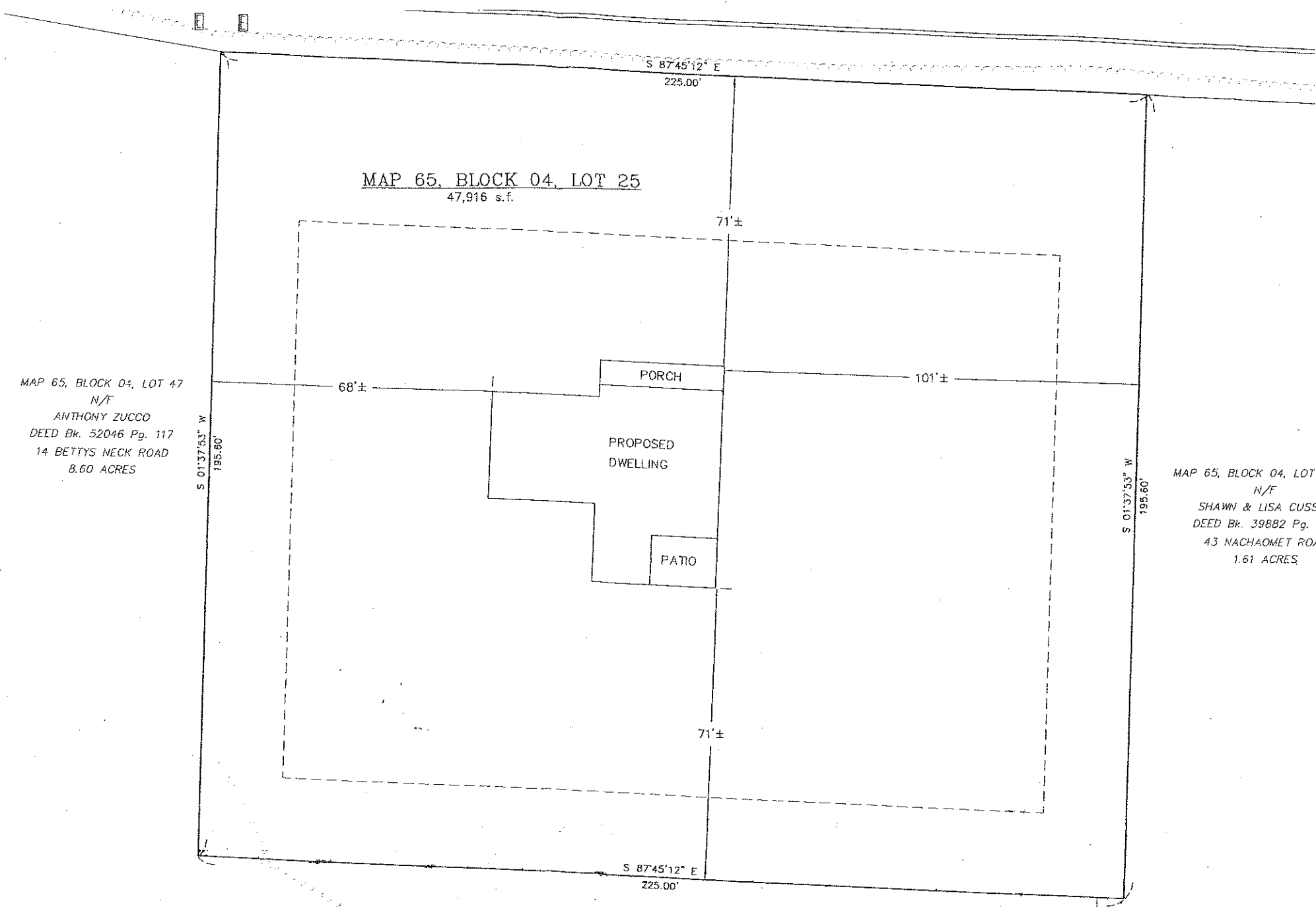
065-004-025

1.1 AC.

065-0

1.0





MAP 65, BLOCK 04, LOT 25
47,916 s.f.

MAP 65, BLOCK 04, LOT 47
N/F
ANTHONY ZUCCO
DEED Bk. 52046 Pg. 117
14 BETTYS NECK ROAD
8.60 ACRES

MAP 65, BLOCK 04, LOT
N/F
SHAWN & LISA CUSS
DEED Bk. 39882 Pg.
43 NACHAOMET RD
1.61 ACRES

(TOWN OF LAKEVILLE SEAL)

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on THURSDAY, September 17, 2020, at 7:00 P.M. to hear the petition of **Kevin Fuller**. A **Special Permit** under **6.1.3 & 7.4** is requested to add a 20' x 11' 6" storage area to the second story of a dwelling located on a non-conforming lot at **32 Fuller Shores Road**, as provided by the Lakeville By-Laws.

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

Donald A. Foster, Chairman

September 3, & September 10, 2020



Town of Lakeville

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

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

August 10, 2020

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

Re: 32 Fuller Shores Road

Dear Chairman Foster:

We received a copy of the Petition for Hearing for 32 Fuller Shores Road. The sketch shown appears to have already been built. Although the applicant is claiming the proposed addition to be storage, the addition appears to be categorized as a bedroom under Title V. The definition of a bedroom is below.

Bedroom - A room providing privacy, intended primarily for sleeping and consisting of all of the following:

- (a) floor space of no less than 70 square feet;
- (b) for new construction, a ceiling height of no less than seven feet three inches;

Effective 9/9/2016

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

02: continued

- (c) for existing houses and for mobile homes, a ceiling height of no less than seven feet zero inches;
- (d) an electrical service and ventilation; and
- (e) at least one window.

Living rooms, dining rooms, kitchens, halls, bathrooms, unfinished cellars and unheated storage areas over garages are not considered bedrooms. Single family dwellings shall be

The applicant is required to upgrade the existing septic system prior to getting approval for an addition that includes a bedroom. Therefore, based on the information provided, the BOH recommends that any approval would be pending a Board of Health approval.

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

Sincerely yours,
For the Board of Health

A handwritten signature in black ink, appearing to read "Edward Cullen", with a long horizontal flourish extending to the right.

Edward Cullen
Health Agent



Town of Lakeville
Conservation Commission
346 Bedford St.
Lakeville, MA 02347

Phone: (508) 946-8823 FAX: (508) 946-0112

To: Zoning Board of Appeals

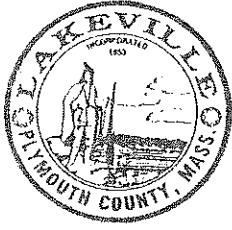
Date: August 17, 2020

From: Conservation Commission

RE: 32 Fuller Shores Rd. - Fuller

The Commission has reviewed the proposed addition, a 20' x 11'6" storage area on the second floor. This project is entirely within the 100' buffer zone and therefore will require a Request for Determination of Applicability (RDA). Erosion controls will be required as part of the RDA.

Robert J. Bouchard
Conservation Agent



Town of Lakeville

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

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

MEMORANDUM

TO: Board of Appeals
FROM: Planning Board
DATE: August 17, 2020
SUBJECT: Petition Review for Fuller-32 Fuller Shores Road

At their Thursday, August 13, 2020, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

RECEIVED
JUL 16 2020
BOARD OF APPEALS

Name of Petitioner: KEVIN FULLER

Mailing Address: 160 BATHURICK RD WESTMINSTER MA 01173

Name of Property Owner: KEVIN FULLER

Location of Property: 32 Fuller Shores Road

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 52596 Page No. 112

Map 044 Block 001 Lot 010

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

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

Variance from Section (s) _____ of the Zoning Bylaws.

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial _____


Brief to the Board: (See instructions on reverse side - use additional paper if necessary.)

ADDING A 20' BY 11'6" STORAGE TO 2ND FLOOR
AND STAIRWELL TO GET TO IT.

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: Kevin Fuller

Date: July 16 2020

Signed: 

Telephone: 978-870-9121

Owner Signature: _____
(If not petitioner)

Owner Telephone: _____

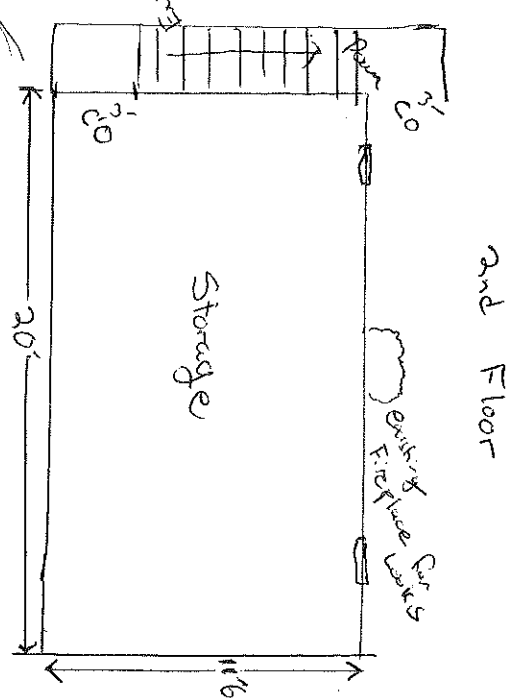
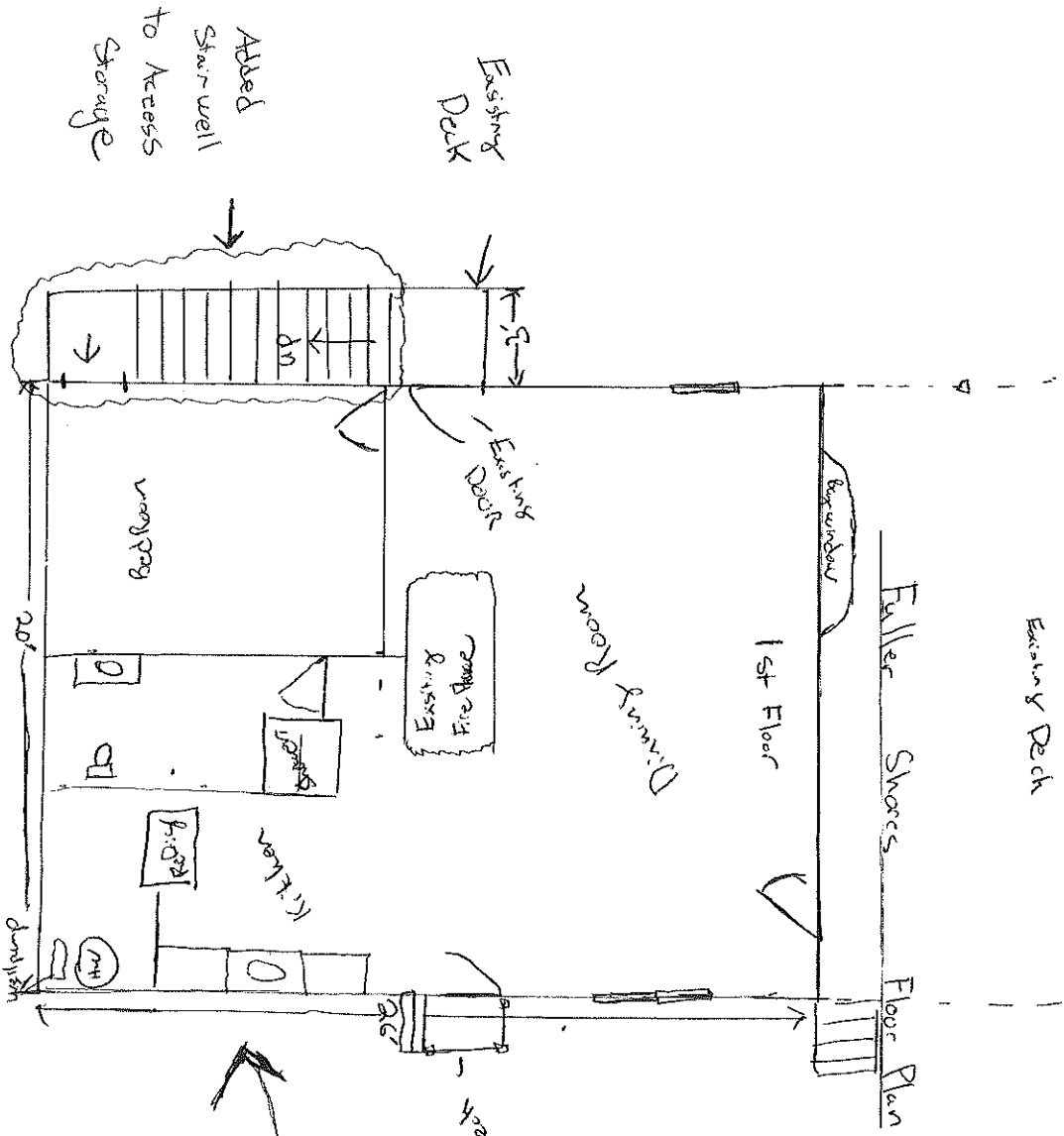
(REFERENCE THE REVERSE SIDE OF THIS APPLICATION FOR FURTHER
INSTRUCTIONS IN FILING YOUR PETITION.)

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

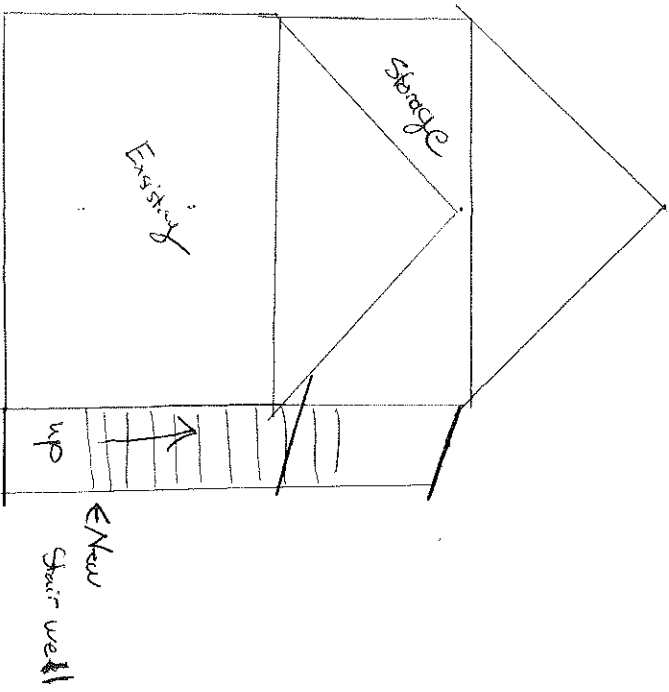
(Name and Title)





Scale
 $\frac{1}{4}'' = 1'$

Front Elevation



PROPOSED ALTERATIONS TO: 32 FULLER SHORE ROAD LAKEVILLE, MA 02347

LIST OF DRAWINGS

COVER SHEET
A1 FLOOR PLANS
A2 ELEVATIONS
A3 FRAMING PLANS

General Notes

A. General

- Structure drawings shall be used in conjunction with architectural, mechanical, electrical, and shop drawings.
- Governing building code for this design and construction is the International Residential Code (IRC) dated 2015 for one and two family dwellings. With the Commonwealth of Massachusetts Building Code Amendments (9th Edition).

B. Soil Conditions and Structural Fill

- All footings shall be carried to the depths shown and deeper, if required, and shall rest on undisturbed soil or compacted structural fill having a net allowable soil bearing pressure of 3,000 psi. It is recommended that the owner hire a geotechnical engineer registered in the Commonwealth of Massachusetts to ensure that the above requirements are met. This office is not qualified to determine soil bearing conditions and subsurface preparation.
- No footing shall be placed on frozen soil or in standing water.
- Structural fill shall be well graded bank run, screened or crushed gravel, and shall be placed in 8" maximum lifts and compacted to 95% of maximum dry density as determined by ASTM D1557.
- Provide a minimum of 6" (or greater if required by geotechnical engineer) well compacted, clean, coarse sand and gravel under all slabs on grade after the top soil.

C. Concrete

- All concrete shall attain a minimum compressive strength of 3000 psi at 28 days.
- All reinforcing steel shall be deformed bars conforming to ASTM A615 Grade 60.
- The following minimum cover shall be provided for reinforcement:
Concrete against the earth 3"
Formed concrete exposed to earth or weather #5 or smaller 1 1/2" #6 or larger 2"
Concrete not exposed to earth or weather slabs or walls 3/4" beams and columns 1 1/2"
- All concrete work and detailing shall comply with the latest recommendations and specifications of the ACI.
- All continuous reinforcing bars shall be lapped 36 bar diameters at splices and at corners unless otherwise noted. Terminate continuous bars at non-continuous ends with standard.
- All slabs on grade shall be poured in alternate panels not to exceed 1000 square feet.

D. Structural Steel

- All structural steel work shall conform to the specification for the design, fabrication, and erection of structural steel for buildings of the AISC.
- All welding shall conform to the code for welding in building construction of the AWS.
- Steel materials shall conform to the following: Structural shapes - WF ASTM - A36
ASTM A36 All others
ASTM A500 Grade B Structural tubing
ASTM A325N Bolts
ASTM A307 (anchor)










- All shop and field connections shall be welded. All welds shall be ground smooth.
- All hand rails shall be painted (min 2 mils Dry film thickness) with an approved rust inhibiting primer paint. Then painted with (2) coats of finished color.

E. Wood

- All framing members shall have the properties of Spruce-Pine-Fir #2 or better (E=1,400,000 psi, E=1,400,000 psi) except that wood posts shall have properties of Spruce-Pine-Fir #1 or better (Fc=700 psi, E=1,300,000 psi).
- All engineered lumber shall be installed in accordance the manufacturer's specifications and recommendations.
- All flush framing shall use Simpson metal timber hangers (or equal).
- Use stainless steel or galvanized nails for all connections exposed to the weather.
- All wood in contact with ground or exposed to weather is to pressure treated.
- All wood headers are to be sized as shown below.

0' to 5'-0" use (3) 2x8's
5'-0" to 9'-0" use (3) 2x10's
9'-0" to 12'-0" use (3) 3/4x9 1/2" LVL's

LEGEND

	FAN AND LIGHT COMBINATION		DOOR MARK
	SMOKE DETECTOR		WINDOW MARK
	HARDWIRED PHOTO SENSITIVE SMOKE DETECTOR WITHIN 20 FEET OF ANY BATH OR KITCHEN		WALL TYPE
	HARDWIRED CARBON MONOXIDE DETECTOR		WT
	HEAT DETECTOR		

ARCHITECTURAL

GENERAL NOTES

- THE OWNER OR C.C. SHALL FIELD VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO START OF WORK AND NOTIFY THIS OFFICE OF ANY DISCREPANCIES, BEFORE WORKING IN THE AFFECTED AREAS.
- THE OWNER OR C.C. SHALL BE RESPONSIBLE FOR COORDINATION AND THE LEGAL REMOVAL OF ALL CONSTRUCTION DEBRIS FROM ALL SUBCONTRACTORS ON A DAILY BASIS.
- DRAWING ARE NOT TO BE SCALED. ALL WORK AND ELEVATIONS CAN BE LAID OUT BY DIMENSIONS. ANY DEVIATIONS SHALL BE BROUGHT TO THE ATTENTION OF THIS OFFICE. ALL DEVIATIONS SHALL BE CORRECTED BY OWNER OR C.C. PRIOR TO BEGINNING THAT PORTION OF WORK.
- C.C. SUBCONTRACTORS DESIGNS MUST CONFORM TO ALL LOCAL AND STATE BUILDING CODES.
- C.C., AND THEIR SUBCONTRACTORS SHALL BE RESPONSIBLE FOR ALL PERMITS AND FEES AS REQUIRED BY THE TOWN OF LAKEVILLE DEPARTMENTS.
- PLUMBING SUBCONTRACTORS SHALL CONFORM TO ALL THE LATEST STATE, LOCAL, AND MASS. STATE FUEL, GAS, AND PLUMBING CODES FOR ALL WORK.
- HVAC CONTRACTORS SHALL PROVIDE AND INSTALL EQUIPMENT THAT CONFORMS TO THE LATEST BOCA MECHANICAL CODES AND THE LATEST REVISION OF MASS STATE AND IRC CODES FOR ENERGY CONSERVATION.
- ELECTRICAL SUBCONTRACTOR SHALL COORDINATE ALL POWER WIRING, CAR, INC., LIGHTING DEVICES, EQUIPMENT, PANELS, LOCATIONS, AND CIRCUITS & ECT.

RECEIVED

SEP 21 2020

D

BOARD OF APPEALS

DESIGN CONCEPT OF NEW ENGLAND
P.O. BOX 28
857 HIGH STREET
BRIDGEWATER, MA 02324
508-279-1659

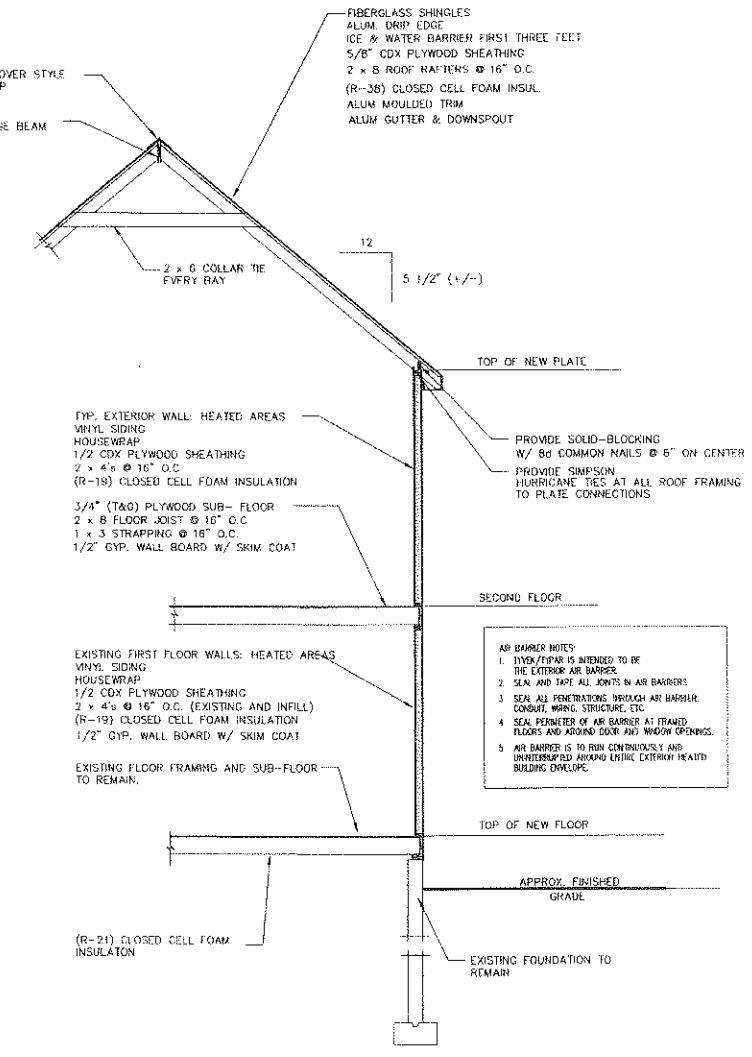
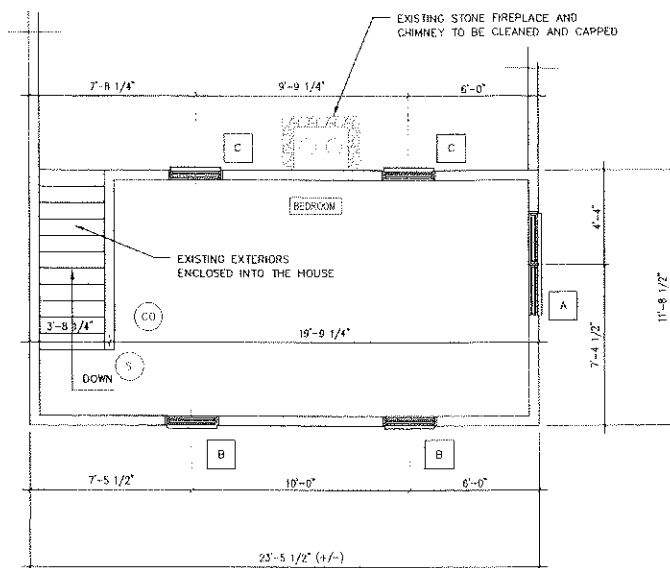
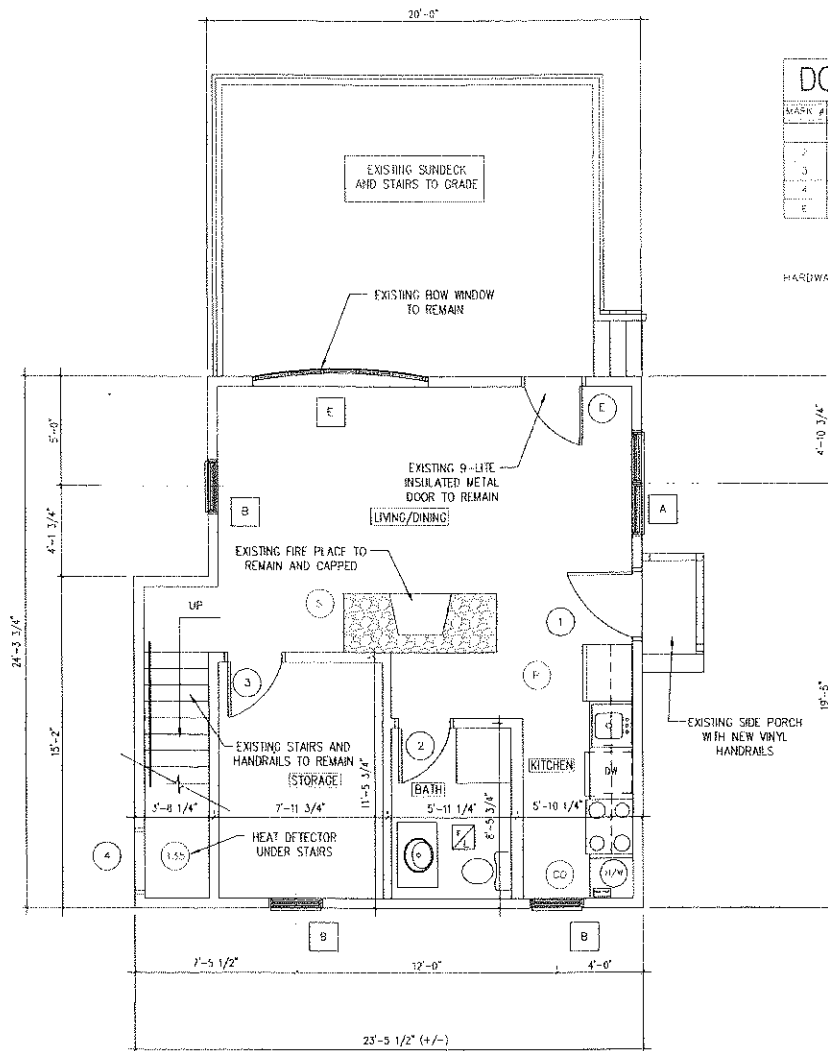
PROJECT NAME:
PROPOSED ALTERATION AT:
32 FULLER SHORE ROAD
LAKEVILLE, MA 02347

REVISIONS PER:	DATE:

DATE ISSUED: 09/16/20
DWC SCALE:
DRAWN BY: JJC
REVIEWED BY: DWG
PROJECT NO:

DRAWING NAME:
COVER SHEET

FERM1



DOOR SCHEDULE OWNER TO SELECT DOOR STYLE AND CASINGS

MARK #	QTY	SIZE	DOOR TYPE	FINISH TYPE	DOOR MATL	FRAME MATL	HARDWARE	NOTES
1	ONE	3'-0" X 6'-0"	SWING	PRE-FINISH	METAL & GL	WOOD	A	INSULATED METAL DOOR WITH 9-LITE GLAZING
2	ONE	2'-4" X 6'-0"	SWING	PRE-FINISH	WOOD	WOOD	M	
3	ONE	2'-6" X 6'-6"	SWING	PRE-FINISH	WOOD	WOOD	B	
4	ONE	3'-0" X 6'-6"	SWING	SWING	VINYL & NG	WOOD	C	
5							A	EXISTING DOOR NEW HARDWARE

WINDOW SCHEDULE ALL WINDOWS MANUFACTURED BY G.C. AND THE OWNER SHALL BE LOW-E GLAZED AND HAVE INSULATION FACTOR TO COMPLY WITH RESIDENTIAL CONDITIONS

MARK #	QTY	R.O.	WADGA TYPE	MANUF	FRAME MATL	NOTES
A	2	2'-11 1/2" X 4'-5 1/4"	DOUBLE-HUNG	BY OWNER	VINYL	MIN WINDOW UNIT SIZES
B	5	2'-6 1/2" X 4'-5 1/4"	DOUBLE-HUNG	BY OWNER	VINYL	MIN WINDOW UNIT SIZES
C	2	2'-6 1/2" X 4'-1 1/4"	DOUBLE-HUNG	BY OWNER	VINYL	MIN WINDOW UNIT SIZES
E			SLAB CASEMENT			EXISTING WINDOW UNIT TO REMAIN

HARDWARE: A- 1 1/2 PAIR OF BUTTS DEAD BOLT LOCKSET W/ THUMB TURN LOCK SET (ENTRY) KEYS TO MATCH EXISTING HOME WEATHER STRIPPING THRESHOLD

B- 1 1/2 PAIR OF BUTTS PER LEAF LOCK SET (PASSAGE) OR (PRIVACY)

C- 1 1/2 PAIR OF BUTTS STORAGE ROOM LOCK WEATHER STRIPPING

NOTES:
1. ALL EXTERIOR DOORS HAVE WEATHER STRIPPING
2. ALL DOOR HARDWARE MUST BE STANDARD GRADE OR BETTER
3. ALL EXTERIOR LOCKS MUST BE KEYS ALIKE
4. ALL EXTERIOR DOOR GLAZING MUST BE LOW-E AND TEMPERED SAFETY

NOTES:
1. ALL WINDOWS ARE TO HAVE INSIDE SCREENS.
2. ALL WINDOWS ARE TO HAVE LOW-E GLAZING
3. CONTRACTOR IS TO VERIFY ALL R.O.'S PRIOR TO ORDERING WINDOW UNITS.
4. EXTERIOR FINISH COLOR IS TO BE SET BY BUYER AND OWNER
5. ALL WINDOWS MEET THE FOLLOW DESIGN CRITERIA FOR THE IRC DATED 2009 AND 780 CMR 910 EDITION COMMONWEALTH OF MASS STATE BUILDING CODE AND ITS AMENDMENTS ALONG WITH THE INTERNATIONAL BUILDING CODE FOR RESIDENTIAL CONSTRUCTION.

A. GLAZING CLOSER THAN FIFTEEN (15) INCHES TO THE FLOOR AND EXCEEDING SIX (6) SQUARE FEET MUST BE TEMPERED GLASS.
B. EMERGENCY EGRESS: ALL SLEEPING ROOMS SHALL HAVE AT LEAST ONE (1) OPERABLE WINDOW OR EXTERIOR DOOR TO PERMIT EGRESS OR RESCUE. THE REQUIRED WINDOW OR DOOR MUST BE OPERABLE FROM THE INTERIOR FACE OF THE UNIT WITHOUT SEPARATE TOOLS AND MUST CONFORM TO THE FOLLOWING DESIGN CRITERIA:
1. WINDOW SILL HEIGHT SHALL NOT BE MORE THAN FORTY-FOUR (44) ABOVE THE FINISHED FLOOR.
2. THE WINDOW SHALL PROVIDE A CLEAR OPENING AREA OF 5.7 SQUARE FEET (57) A RECTANGLE HAVING A MINIMUM NET CLEAR OPENING DIMENSION OF TWENTY (20) INCHES BY TWENTY FOUR (24) INCHES IN EITHER DIRECTION. IF MULTIPLE UNITS ARE USE THIS SUCH DIMENSION SHALL APPLY TO THE BOTTOM HALF OF THE WINDOW ONLY.

LEGEND

	FAN AND LIGHT COMBINATION		DOOR MARK
	SMOKE DETECTOR		WINDOW MARK
	HARDWIRED PHOTO SENSITIVE SMOKE DETECTOR WITHIN 20 FEET OF ANY BATH OR KITCHEN		
	HARDWIRED CARBON MONOXIDE DETECTOR		
	HEAT DETECTOR		

DESIGN CONCEPT OF NEW ENGLAND
P.O. BOX 26
857 HIGH STREET
BRIDGEWATER, MA 02714
508-279-6559

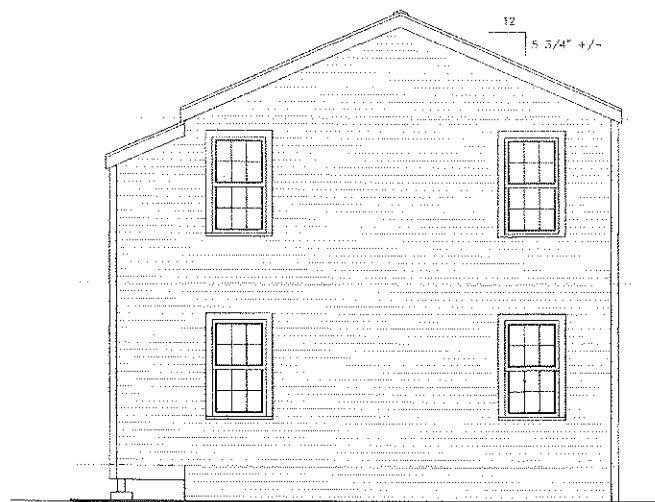
PROPOSED ALTERATION AT:
32 FULLER SHORE ROAD
LAKEVILLE, MA 02347

PROJECT NAME:
REVISIONS PER DATE

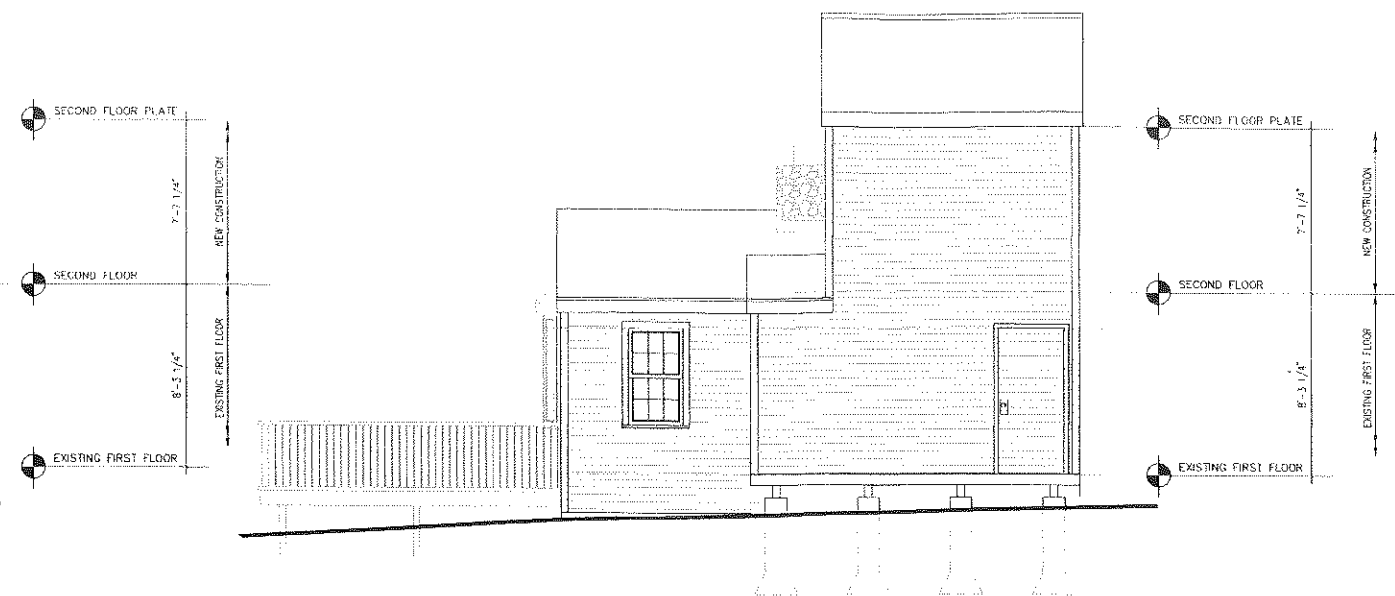
DATE ISSUED: 08/15/20
DWG. SCALE: G.C.
DRAWN BY: J.DG
REVIEWED BY: J.DG
PROJECT NO:

DRAWING NAME:
FLOOR PLANS

A1



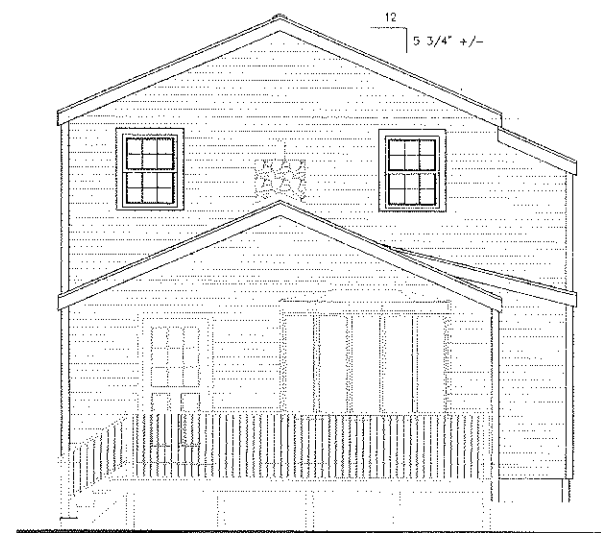
FRONT ELEVATION FACING THE ROAD
SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION FACING THE ROAD
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION FACING THE ROAD
SCALE: 1/4" = 1'-0"



REAR ELEVATION FACING THE WATER
SCALE: 1/4" = 1'-0"

LEGEND	
	FAN AND LIGHT COMBINATION
	SMOKE DETECTOR
	HARDWIRED PHOTO SENSITIVE SMOKE DETECTOR WITHIN 20 FEET OF ANY BATH OR KITCHEN
	HARDWIRED CARBON MONOXIDE DETECTOR
	HEAT DETECTOR
	DOOR MARK
	WINDOW MARK

DESIGN CONCEPT OF NEW ENGLAND
P. O. BOX 26
857 HIGH STREET
BROOKWATER, MA 02324
508-278-1639

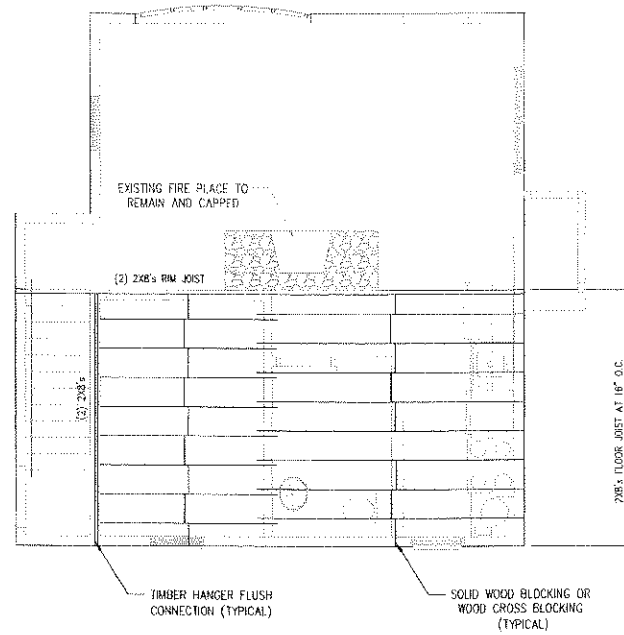
PROPOSED ALTERATION AT:
32 FULLER STORE ROAD
LAKEVILLE, MA 02347

REVISIONS PER DATE

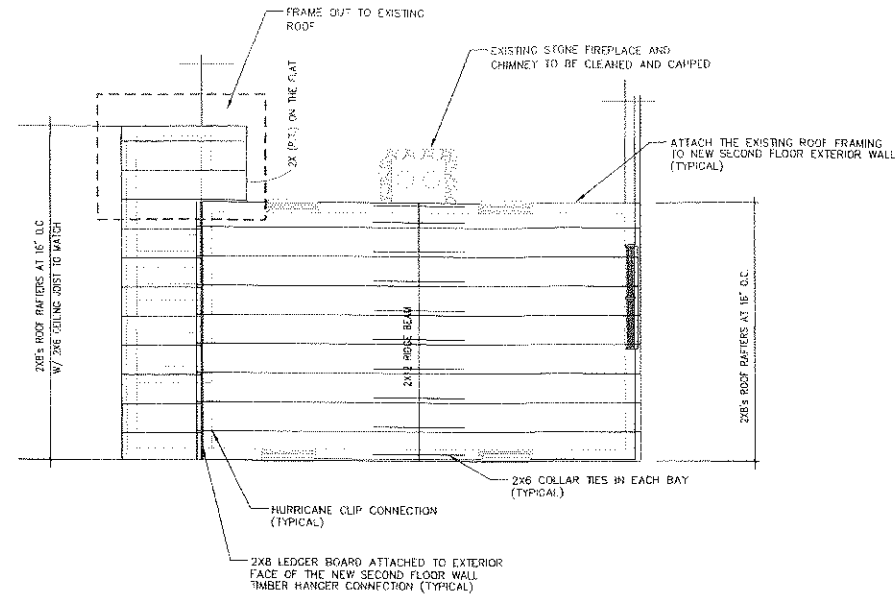
DATE ISSUED: 02/15/20	DWG. SCALE:
DRAWN BY: JJC	REVIEWED BY: BMB
PROJECT NO:	

DRAWING NAME:
ELEVATIONS

A2



SECOND FLOOR FRAMING PLAN
SCALE: 1/4" = 1'-0"



HIGH AND LOWER ROOF FRAMING PLAN
SCALE: 1/4" = 1'-0"

WINDOW AND DOOR HEADER SCHEDULE

0" to 5'-0"	use (3) 2x8's
5'-1" to 9'-0"	use (3) 2x10's
9'-1" to 12'-0"	use (3) 1 3/4x9 1/2" V.L.S

PERM:

DATE ISSUED:	09/5/20
DWG. SCALE:	AS SHOWN
DRAWN BY:	AC
REVIEWED BY:	DPG
PROJECT NO.:	

NO.	REVISIONS PER DATE

PROJECT NAME:
PROPOSED ALTERATION AT:
32 FULLER SHORF ROAD
LAKEVILLE, MA 02347

DESIGN: CONCEPT OF NEW ENGLAND
P.O. BOX 26
857 HIGH STREET
BRIDGEWATER, MA 02324
508-279-1699

DRAWING NAME:
FRAMING PLANS

A3

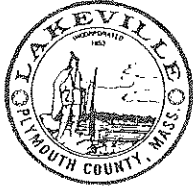
(TOWN OF LAKEVILLE SEAL)

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on THURSDAY, September 17, 2020, at 7:00 P.M. to hear the petition of **Michael & Maureen Martowska**. A **Special Permit** under 7.4 is requested to construct a walkway, a 44' x 28.5' garage, a pavilion approximately 16' x 12', and a patio within the setbacks on a pre-existing, non-conforming lot, as provided by the Lakeville By-Laws. The property site is **2 Edgewater Drive**.

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

Donald A. Foster, Chairman

September 3, & September 10, 2020



Town of Lakeville

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

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

September 8, 2020

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

Re: 2 Edgewater Drive

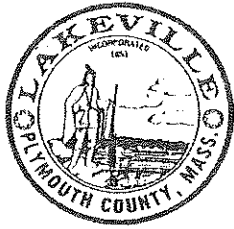
Dear Chairman Foster:

We received a copy of the Petition for Hearing for 2 Edgewater Drive. The site plan by Outback Engineering, does not appear to show any connection from the proposed garage and pavilion to the existing septic system. The proposed structures are not located within the vicinity of the existing septic system and it appears there is sufficient area for a replacement system if needed. We would recommend that a title V inspection be done, since we do not have any record of previous inspections, and the system was built in 1977, but there is no requirement for inspections for accessory structures. Therefore, if there is no plumbing in either of the structures, the BOH does not have any objections to the proposed structures.

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

Sincerely yours,
For the Board of Health

Edward Cullen
Health Agent



Town of Lakeville

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

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

MEMORANDUM

TO: Board of Appeals
FROM: Planning Board
DATE: September 15, 2020
SUBJECT: Petition Review for Martowska-2 Edgewater Drive

At their Thursday, September 10, 2020, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board recommended that any lot coverage over the allowed 25% be permeable.

Cathy Murray, Appeals Board Clerk

From: WILLIAM TRIBOU <btribou@comcast.net>
Sent: Wednesday, September 16, 2020 12:00 PM
To: Nathan Darling, Building Commissioner & Zoning Enforcement Officer; Cathy Murray, Appeals Board Clerk
Subject: RE: Martowska's request

Ms. Murray and Mr. Darling,

Thanks again for your help.

We are trying to prepare for tomorrow's meeting and wanted to express some immediate concerns:

1. Will there be enough ZBA members to make a decision? We are hearing that the ZBA has had membership changes.
2. Based on a prior litigation which resulted in a mediation settlement agreement dated March 13 12, 2009 with Martowska, it was stipulated that the garage would not exceed 24' x 28', screened vegetation facing our property, house two cars, and not exceed one story if no variance required. The ZBA notification indicates a 44' x 28.5' garage. Proposed 44' x 28.5' garage would be out of character with existing area property due to scale size. We will provide you with copy of said agreement.
3. Environmental impact and wetland protection concerns especially due to elevation differences.
4. Exceeds 25% of allowable impervious land coverage.
5. Increased site erosion, which is already occurring, and additional soil deposited on adjacent property.
6. Negative impact of proposed generator location both for noise and setback requirements.
7. Has consideration been given to mitigate drainage by alternative surface coverings that more porous and environmentally safe.

Sincerely,
Mary and Bill Tribou

On 09/14/2020 10:29 PM Nathan Darling, Building Commissioner & Zoning Enforcement Officer <ndarling@lakevillema.org> wrote:

Hello Mr. Tribou,

The attached is what I have for the proposed alterations and accessory structure. I have copied a couple of folks on this response to expedite further communication.

With regards to Mr. Foster, he has resigned from the ZBA. To be completely honest, I am not a big fan of virtual meetings myself but they have been working out. My advice to you would be to write a letter to the ZBA and get that back to us by Thursday morning at the latest. If you have any technical difficulties during the meeting this should at least allow your concerns to be read into the record.

I hope this helps.

Respectfully,

Nate

Nathan Darling

Building Commissioner

346 Bedford Street

Lakeville, MA 02347

Phone: 508-946-8804

Fax: 508-946-8812



From: WILLIAM TRIBOU <btribou@comcast.net>

Sent: Monday, September 14, 2020 6:32 PM

To: Nathan Darling, Building Commissioner & Zoning Enforcement Officer <ndarling@lakevillema.org>

Subject: Martowska's request

Mr. Darling, I appreciate your returned calls. Sorry we are playing phone tag.

I live at 4 edgewater drive while the Martowska's live at 2 edgewater. I am concerned again about the build up that Martowska is doing on their lot, We have discussed this situation before.

I recently received notification that the Martowska want permits to add structures to their lot. This heightens my concern about the impact on us.

I have tried to contact the Conservation office without success. I recently emailed Mr. Donald Foster from Zoning Board of Appeals.

I have seen no plans on the Martowska's request which is scheduled for review on September 17th. Besides not having access to Martowska's plans, I am not familiar with virtual meetings. I requested of Mr. Bouchard that the meeting be delayed so I can review the plans and get whatever professional opinions needed.

I would appreciate and advise that you can give.

Sincerely,

Bill Tribou

4 Edgewater Drive

Lakeville, Ma.

508-947-0516

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SEP 16 2020
BOARD OF APPEALS

SETTLEMENT AGREEMENT

This agreement is made after a mediation conducted today at which Hon. Peter W. Kilborn (ret.) acted as mediator. The parties to the agreement are:

Maureen Martowska, MPA

Mary Tribon

Michael Martowska

William Tribon

Their attorneys are:

Pro Se

David L. Delaney Esq.

The parties are parties to an action in the Land
Court, Case # 08 Miscellaneous 384356.

The mediation was conducted under the auspices of Mediation Works, Incorporated, pursuant to a mediation agreement entered into by the parties.

In consideration of their mutual covenants and in settlement of their disputes, the parties agree, for themselves and their respective heirs, executors, administrators, successors and assigns:

2 1/2 handwritten pages are attached hereto and are part of this agreement.

This agreement is not confidential and may be disclosed in enforcement proceedings or otherwise.

*
The parties will execute a Stipulation of Dismissal of the action referred to above, with prejudice, without costs and waiving rights of appeal, and thereafter either party may file the stipulation with the court; ~~provided, however, that the stipulation need not be executed, and neither party may file the executed stipulation with the court, until~~

* To be prepared by Mrs Martowska and delivered ^{to the Tribons} ~~with them~~
~~by March 23 2020~~
week from today

The parties will execute and exchange general releases of all claims, except those arising from this agreement; provided, however, that the general releases need not be exchanged until

Executed this 13th day of March 2009.

Maureen M. Mastourdea

Mary Tribon

Michael Mastourdea

Will [Signature]

ATTACHMENT TO SETTLEMENT AGREED

dated March 13, 2009

1. The Tribous will reconstruct the porch on the lakeside of their house so that it conforms to the plan by Paul M. Corriat dated November 2006 drawing 0906, except as follows:
 - a) There is to be no door on the right side elevation (the side facing the M. An. Morscha's house (except there can be a dog door) with window sashes not to be reduced
 - b) Glass instead of screened, ~~cannot be with solid wood~~
 - c) Glass need not extend to floor. Can be height as shown on photograph attached hereto.

2. The Tribous will commence the work described in the preceding paragraph by Nov. 1, 2009 and will ~~promptly~~ proceed to completion with reasonable diligence thereafter. Time is of the essence as to the commencement date.

3. The Morschas propose to erect a garage on their property. That garage will be, at the closest points, no closer to the Tribous house than 28 feet and will be no closer to the common boundary between the parties than 5 feet. The garage, if in the aforementioned location - 28 feet from the Tribous house and 5 feet from the boundary - will be no larger than 24' x 24'. If the garage is further than 5' from the boundary line, the garage can be one foot longer on ~~the~~ its side facing the Tribous house for each foot further from the boundary than feet, but in no event longer than 28'. (so that the maximum size would be 28' x 24')

In any event the garage will house no more than 2 cars and will not exceed one story. The Martonshak's will screen the foundation of the garage facing the Tribuna's property with vegetation to hide the concrete foundation. The screening will be installed no later than 6 months after completion of the garage.

4. The Tribuna's agree not to oppose any variances the Martonshak's seek to allow the construction of the garage described in paragraph 3.

~~6. The Tribuna's agree to expend no more than \$5000 in moving the 2 propane tanks now on their property and for landscaping.~~

5. The Tribuna's agree to move the 2 propane tanks on their property and to ^{do} landscaping, provided that their cost for doing both things will not aggregate more than \$5000.

5. The Tribuna's ~~exp~~ agree to expend not more than \$5000 to relocate the propane tanks ^{behind the Tribuna's garage as close to the garage as legally permitted} and, if that can be done for less than \$5000, the remainder of the \$5000 will be expended for landscaping first to screen the ~~relocated~~ ^(whether or not relocated) propane tanks and then along the right side elevation shown on the Garino plan. This agreement to move the tanks is conditional on the moving being legally permitted without ^{variances} ~~variances~~ or other exceptions. If the cost of relocating the tanks exceeds \$5000, the Martonshak's

will have the option of contributing the excess over \$5000, (to be exercised within ³⁰ ~~20~~ days after request by the Tribons thereof). The Tends shall be moved, as aforesaid, by Nov. 1 2009 and the Landscaping, as aforesaid, will be completed no later than 6 months after the completion of the porch reconstruction.

6. The Tribons will execute and deliver a recordable restriction on their property that a) there will be no additions to the front of the Tribons house (i.e., the lake side) other than the reconstruction described in paragraph 1. b) the reconstructed porch will ~~be~~ not be heated. This document will be prepared by counsel for the Tribons.

7. The Tribons will pay the McKowshas \$500 when the restriction is delivered.

AMENDMENT
DATE: March 23, 2009
TO SETTLEMENT AGREEMENT DATED 3/13/2009

Whereas there was a scrivener's omission to the Settlement Agreement dated 3/13/09, the parties agree to the following amendments, identified in boldface:

ITEM 3: The Martowskas propose to erect a garage on their property. That garage will be, at the closest points, no closer to the Tribous' house than 28 feet and will be no closer to the common boundary between the parties than 5 feet. The garage, if in the aforementioned location – 28 feet from the Tribous' house and 5 feet from the boundary – will be no larger than 24' x 24'. If the garage is further than 5' from the boundary line, the garage can be one foot longer on its side facing the Tribous' house for each foot further from the boundary than five (5) feet, but in no event longer than 28' (so that the maximum size would be 28' x 24').

In any event, the garage will house no more than 2 cars and will not exceed one story. The Martowska will screen the foundation of the garage facing the Tribous' property with vegetation to hide the concrete foundation. The screening will be installed no later than 6 months after completion of the garage.

ITEM 4: The Tribous agree not to oppose any variance the Martowskas seek to allow the construction of the garage described in paragraph 3. If no variance is required, then paragraph 3 is not applicable.

The Settlement Agreement dated 3/13/09 along with this Amendment Dated 3/23/09 To the Settlement Agreement dated 3/13/09 together constitute the entirety of the understanding and agreement between the parties.

PLAINTIFFS

DEFENDANTS

MARY AND WILLIAM TRIBOU,

Michael S. Martowska 4/20/09
MICHAEL S. MARTOWSKA (date)

By their attorney,

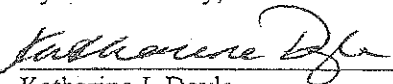
Maureen M. Martowska 4/30/09
MAUREEN M. MARTOWSKA (date)

David L. Delaney 4.29.09
Joseph Coppola and/or David Delaney (date)
Delaney & Muncey, P.C.

DEFENDANTS

DONALD FOSTER, DAVID CURTIS ,
JOHN VEARY JR, JOSEPH BENESKI,
JOHN OLIVIERI JR., CAROL
ZIMMERMAN,

By their attorney,

 5/7/09
Katharine I. Doyle (date)
Kopelman and Paige, P.C.

ORIGINAL

Petition to be filed with Town Clerk

RECEIVED EXHIBIT "A" LAKEVILLE TOWN CLERK

TOWN OF LAKEVILLE MASSACHUSETTS

2020 AUG 13 PM 3: 03

ZONING BOARD OF APPEALS PETITION FOR HEARING

Name of Petitioner: Michael & Maureen Martowska

Mailing Address: 2 Edgewater Dr., Lakeville, MA 02347

Name of Property Owner: Michael & Maureen Martowska

Location of Property: 2 Edgewater Dr., Lakeville, MA 02347

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 7121 Page No. 228

Map 55 Block 1 Lot 2

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

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

Variance from Section (s) of the Zoning Bylaws.

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial

Brief to the Board: (See instructions on reverse side - use additional paper if necessary.)

Lot is undersized. Requesting approval to build structures within setbacks. New 44.0' x 28.5' garage to be located approximately 35.5' from street as close as possible from side property line. New pavilion (approx 16' x 12') to be located with a corner post centered.

Continuation Page)

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: Michael + Maureen Martowska Date: 8/13/20

Signed: Maureen M. Martowska Telephone: 508-287-0510 (Maureen's cell)

Owner Signature: Maureen M. Martowska Owner Telephone: 508-946-0767 (home)

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

(Name and Title)

RECEIVED AUG 13 2020

BOARD OF APPEALS

Continuation Page to
ZBA Petition for Hearing

Brief Cont'd - approximately 5' from side property line,
New stairway to be located as close as
approximately 5' from side property line.
New retaining wall to extend to property line.

RECEIVED
 SEP 21 2020
 BOARD OF APPEALS

LEGEND

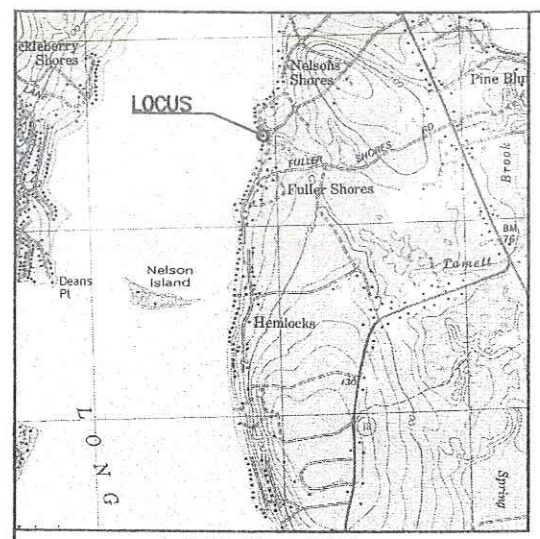
- BUILDING CHAINLINK FENCE
- OVERHEAD WIRES
- UNDERGROUND ELECTRIC
- SEWER LINE
- SEWER SERVICE
- WATER SERVICE
- TREELINE
- STONEWALL
- MAJOR CONTOUR
- MINOR CONTOUR
- WELL
- SEWER MANHOLE
- UTILITY POLE
- LIGHT POST
- IRON PIPE
- REBAR



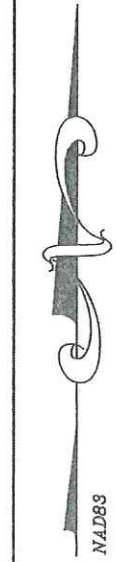
9-21-20

ZONING INFORMATION

ZONE: RESIDENTIAL	REQUIRED	PROVIDED
MIN. LOT DIMENSION (CONTIGUOUS NON-WETLAND AREA)	70,000 S.F.	30,490± S.F.
MIN. FRONTAGE	175 FT.	236.54 FT.
MIN. FRONT YARD SETBACK	40 FT.	35.5 FT.
MIN. SIDE YARD SETBACK	20 FT.	10.0 FT.
MIN. REAR YARD SETBACK	20 FT.	56± FT.
NUMBER OF STORIES	2.5	2.5
MAX. PERCENTAGE OF LAND COVERED BY STRUCTURES, PARKING AND PAVED AREAS	25%	24.9% (7,893 S.F.)



LOCUS MAP
 SCALE: 1" = 2000'



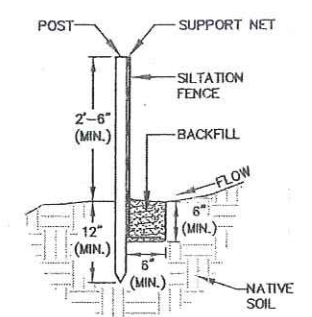
LONG POND
 (A GREAT POND)
 SFHA ZONE AE (EL 57)

TEMPORARY SILT SOCK TO REMAIN IN PLACE UNTIL PATIO RETAINING WALLS AND STAIRS CONSTRUCTED.

GENERAL NOTES

1. THE TOPOGRAPHY SHOWN HEREON IS FROM A FIELD SURVEY PERFORMED BY OUTBACK ENGINEERING, INC. ON APRIL 29, 2019. ELEVATIONS BASED ON NAVD88 DATUM.
2. A PORTION OF THE SITE IS LOCATED WITHIN SPECIAL FLOOD HAZARD AREAS (SFHAS) ZONE AE (EL=57'), AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD AND WITHIN OTHER FLOOD AREAS, ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD, ON FIRM NO. 25023C0429K, EFFECTIVE DATE: JULY 16, 2015.
3. A PORTION OF THE SUBJECT PROPERTY (THE AREA WITHIN THE 100' WETLAND BUFFER) IS LOCATED WITHIN NATURAL HERITAGE AND ENDANGERED SPECIES (NHESP) AREA PER MASS GIS.
4. SITE IS NOT LOCATED WITHIN A ZONE II WELLHEAD PROTECTION AREA PER MASS GIS.
5. SITE IS LOCATED WITHIN A SURFACE WATER PROTECTION AREA ZONE A AND ZONE B PER MASS GIS.
6. THE SITE IS NOT LOCATED WITHIN AN AREA OF CRITICAL ENVIRONMENTAL CONCERN (A.C.E.C.).
7. EXISTING UTILITIES DEPICTED HEREON ARE A COMPILATION OF THE FIELD SURVEY AND BEST AVAILABLE INFORMATION AND IS NOT WARRANTED TO BE CORRECT OR THAT ALL UNDERGROUND UTILITIES ARE SHOWN. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO NOTIFY ALL UTILITY COMPANIES AND AGENCIES PRIOR TO CONSTRUCTION FOR THE LOCATION OF UNDERGROUND UTILITIES. CONTRACTOR SHALL NOTIFY DIGSAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO THE ONSET OF ANY CONSTRUCTION TO HAVE ALL EXISTING UTILITIES LOCATED AND CLEARLY MARKED.

ASSESSORS PARCEL
 055-001-002
 30,490± S.F.
 0.70± ACRES



SILTATION FENCE DETAIL
 NOT TO SCALE

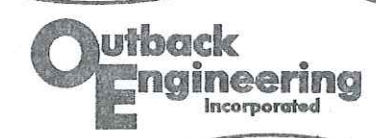
REVISIONS

NO.	DATE	DESCRIPTION
1.	8-4-2020	PER CLIENT REQUEST
2.	8-21-2020	NHESP BOUNDARY
2.	9-17-2020	CON COM COMMENTS

OWNER

MICHAEL & MAUREEN MARTOWSKA
 2 EDGEWATER DRIVE
 LAKEVILLE, MA 02347
 ASSESSORS ID 055/001/002

SITE PLAN
 AT
 2 EDGEWATER DRIVE
 IN
 LAKEVILLE,
 MASSACHUSETTS



165 EAST GROVE STREET
 MIDDLEBOROUGH, MA 02346
 TEL: (508)-946-9231
 FAX: (508)-947-8873
 www.outback-eng.com

DATE: JULY 23, 2020

DRAWN BY: TEM CHECKED BY: PJB

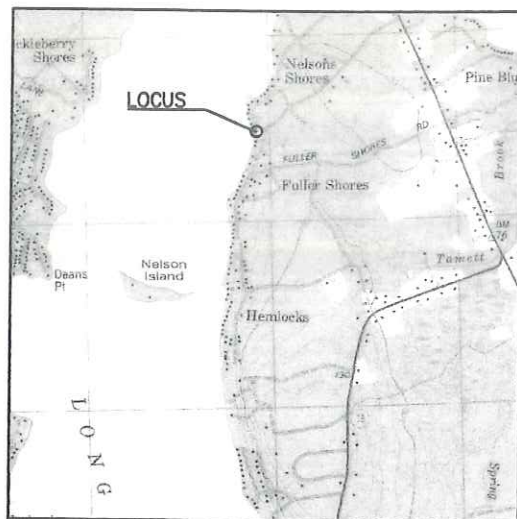
SCALE: 1"=20' SHEET 1 OF 1



OE-3400

REVISED

Z:\land Project\2024\05-3400 2 Edgewater Dr Lakeville, MA\05-3400 REV 5-4-2024.dwg



LOCUS MAP
SCALE: 1" = 2000'

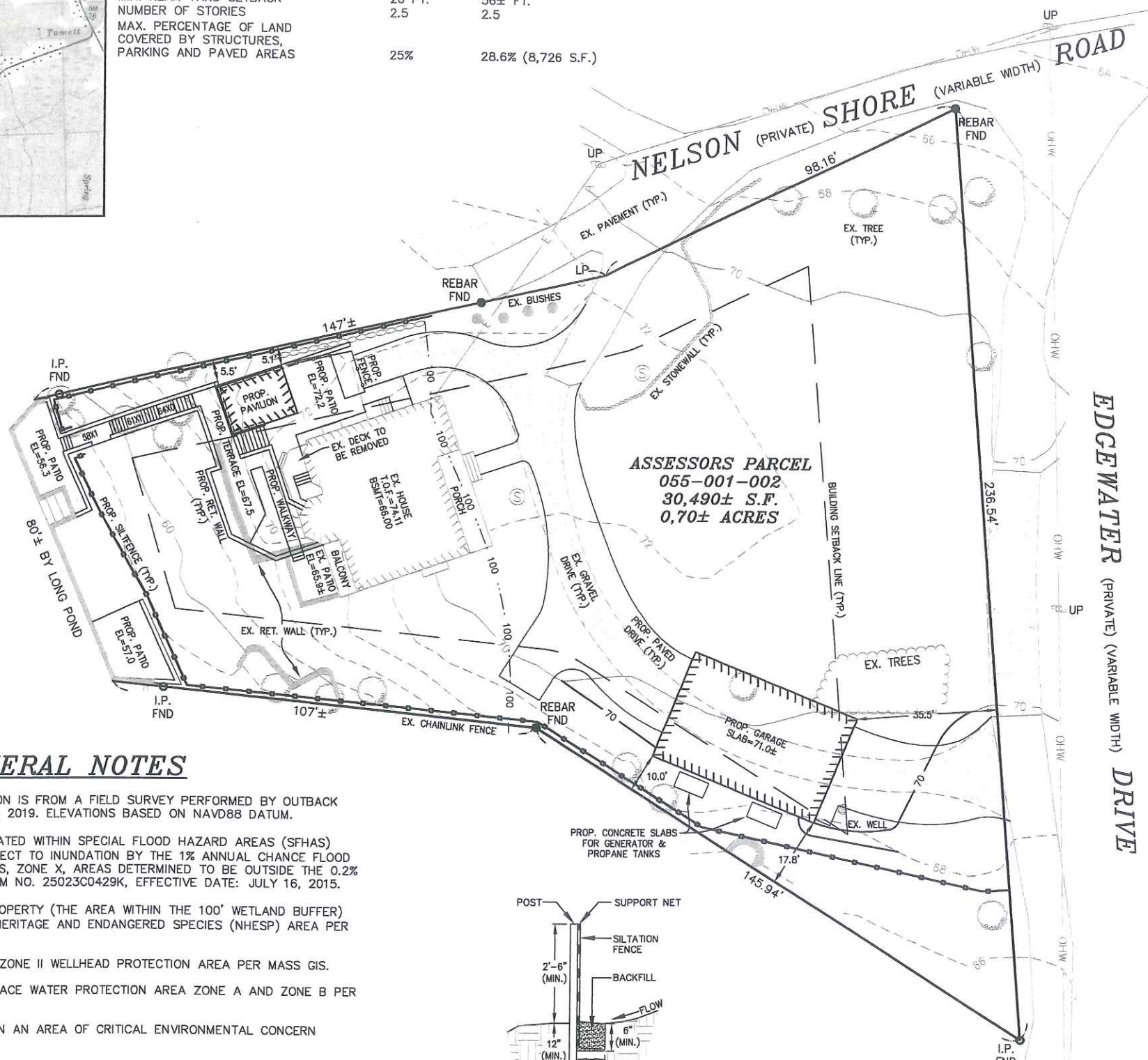


LONG POND
(A GREAT POND)
SFHA ZONE AE (EL 57)

ZONING INFORMATION		
ZONE: RESIDENTIAL	REQUIRED	PROVIDED
MIN. LOT DIMENSION (CONTIGUOUS NON-WETLAND AREA)	70,000 S.F. 52,500 S.F.	30,490± S.F. 30,490± S.F.
MIN. FRONTAGE	175 FT.	236.54 FT.
MIN. FRONT YARD SETBACK	40 FT.	35.5 FT.
MIN. SIDE YARD SETBACK	20 FT.	10.0 FT.
MIN. REAR YARD SETBACK	20 FT.	56± FT.
NUMBER OF STORIES	2.5	2.5
MAX. PERCENTAGE OF LAND COVERED BY STRUCTURES, PARKING AND PAVED AREAS	25%	28.6% (8,726 S.F.)

LEGEND

- BUILDING
- CHAINLINK FENCE
- OVERHEAD WIRES
- UNDERGROUND ELECTRIC
- SEWER LINE
- SEWER SERVICE
- WATER SERVICE
- TREELINE
- STONEWALL
- MAJOR CONTOUR
- MINOR CONTOUR
- WELL
- SEWER MANHOLE
- UTILITY POLE
- LIGHT POST
- IRON PIPE
- REBAR

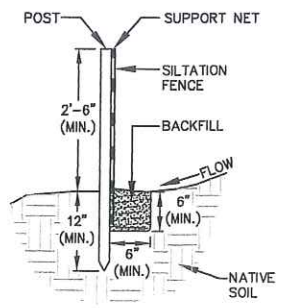


ASSESSORS PARCEL
055-001-002
30,490± S.F.
0.70± ACRES

EDGEWATER DRIVE (PRIVATE) (VARIABLE WIDTH)

GENERAL NOTES

1. THE TOPOGRAPHY SHOWN HEREON IS FROM A FIELD SURVEY PERFORMED BY OUTBACK ENGINEERING, INC. ON APRIL 29, 2019. ELEVATIONS BASED ON NAVD88 DATUM.
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SILTATION FENCE DETAIL

NOT TO SCALE

VOID / SUPERSEDED

REVISIONS		
NO.	DATE	DESCRIPTION
1.	8-4-2020	PER CLIENT REQUEST

OWNER
MICHAEL & MAUREEN MARTOWSKA
2 EDGEWATER DRIVE
LAKEVILLE, MA 02347

ASSESSORS ID 055/001/002

SITE PLAN
AT
2 EDGEWATER DRIVE
IN
LAKEVILLE,
MASSACHUSETTS



165 EAST GROVE STREET
MIDDLEBOROUGH, MA 02346
TEL: (508)-946-9231
FAX: (508)-947-8873
www.outback-eng.com

DATE: JULY 23, 2020	
DRAWN BY: TEM	CHECKED BY: PJB
SCALE: 1"=20'	SHEET 1 OF 1

0' 20' 40' 60'
OE-3400

SEE: 9/17/20

(TOWN OF LAKEVILLE SEAL)

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on THURSDAY, September 17, 2020, at 7:00 P.M. to hear the petition of **Christopher A. Maher**. A **Special Permit** under **6.13 & 7.4** is requested to construct a six-foot farmer's porch within the setback on a pre-existing, non-conforming lot, as provided by the Lakeville By-Laws. The property site is **8 Lincoln Street**.

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

Donald A. Foster, Chairman

September 3, & September 10, 2020



Town of Lakeville

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

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

September 8, 2020

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

Re: 8 Lincoln Street

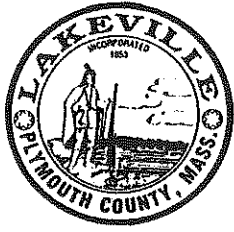
Dear Chairman Foster:

We received a copy of the Petition for Hearing for 8 Lincoln Street. The site plan by Maddigan Land Survey, appears to show only a proposed porch being added to an existing house. The applicant has had a passing Title V inspection on 9/23/19, and the proposed porch is not considered an increase in flow. Therefore, the BOH does not have any objections to the proposed porch addition.

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

Sincerely yours,
For the Board of Health

Edward Cullen
Health Agent



Town of Lakeville

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

Mark Knox, Chairman
Barbara Mancovsky, Vice Chairman
Peter Conroy
Michele MacEachem
Jack Lynch

MEMORANDUM

TO: Board of Appeals
FROM: Planning Board
DATE: September 15, 2020
SUBJECT: Petition Review for Maher-8 Lincoln Street

At their Thursday, September 10, 2020, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

Name of Petitioner: CHRISTOPHER A. MAHER
Mailing Address: 8 LINCOLN ST. LAKEVILLE, MA 02347
Name of Property Owner: SAME AS PETITIONER
Location of Property: SAME AS MAILING ADDRESS
Property is located in a residential business industrial (zone)
Registry of Deeds: Book No. 51689 Page No. 113
Map 63 Block 002 Lot 018
Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

Special Permit under Section (s) 6.1.3, 7.4 of the Zoning Bylaws
 Variance from Section (s) _____ of the Zoning Bylaws.
 Appeal from Decision of the Building Inspector/Zoning Enforcement Officer
 Date of Denial _____

Brief to the Board: (See instructions on reverse side - use additional paper if necessary.)

PLEASE SEE ATTACHED BRIEF TO THE BOARD

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

Petitioner: CHRISTOPHER A. MAHER Date: 8/10/2020
Signed: [Signature] Telephone: 774-454-8210
Owner Signature: SAME Owner Telephone: SAME
(If not petitioner)

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

(Name and Title)

RECEIVED
AUG 17 2020
BOARD OF APPEALS

BRIEF TO THE BOARD

The purpose of this brief is to seek relief under sections 6.1.3 and 7.4 from the Lakeville Zoning Board of Appeals regarding building a 6ft Farmer's Porch at 8 Lincoln St. Lakeville, MA. (see attached plan by Maddigan Surveying). The house was built in 1981 and falls into the category of "pre-existing nonconforming structure", due to the zoning laws changing numerous times over the past 40 years. I purchased the home in September 2019. The property sits on a dead-end cul de sac road. There are no sidewalks, water/sewer, or electrical utility service lines located in the ground on Lincoln St. to encroach upon. Traffic on Lincoln St is extremely minimal, at best. Direct neighbors Russell (#10), and Cummings (#6) sit on either side of my property, and Tovar (#7 across street), all have stated that having the porch built onto my house would brighten up the neighborhood, and it would not be a detriment to it whatsoever (see attached letter of support signed by neighbors). Also, I have noticed there are numerous houses in Lakeville that have a farmer's porch on the front of the house that are closer to the road than mine.

Respectfully submitted,



Christopher A. Maher

8 Lincoln St. Lakeville, MA

774-454-8210

I, Christopher A. Maher, live at 8 Lincoln St. Lakeville, MA. In writing this, I am seeking my neighbors' blessings, or objections, to having a 6ft Farmers Porch installed on the front of my house, which faces west. I am attaching this letter regarding filing an appeal with the Lakeville Zoning Board of Appeals.

Direct neighbors include:

Russell Family #10 Lincoln St.

Approve- 

Object-

Signature/Date 8/15/20

Contact: 774-766-8164

Cummings Family #6 Lincoln St.

Approve-

Object-

Signature/Date 

Contact: 508-577-6848 8/15/20

Tovar Family #7

Approve-

Object-

Signature/Date  August 14, 2020

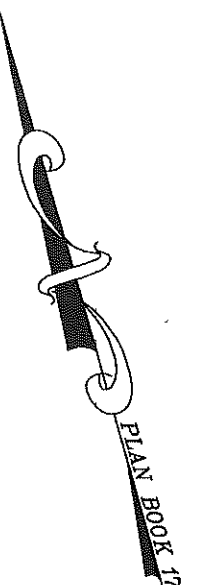
Contact:

José Antonio Tovar Sandoval.
781 8566706

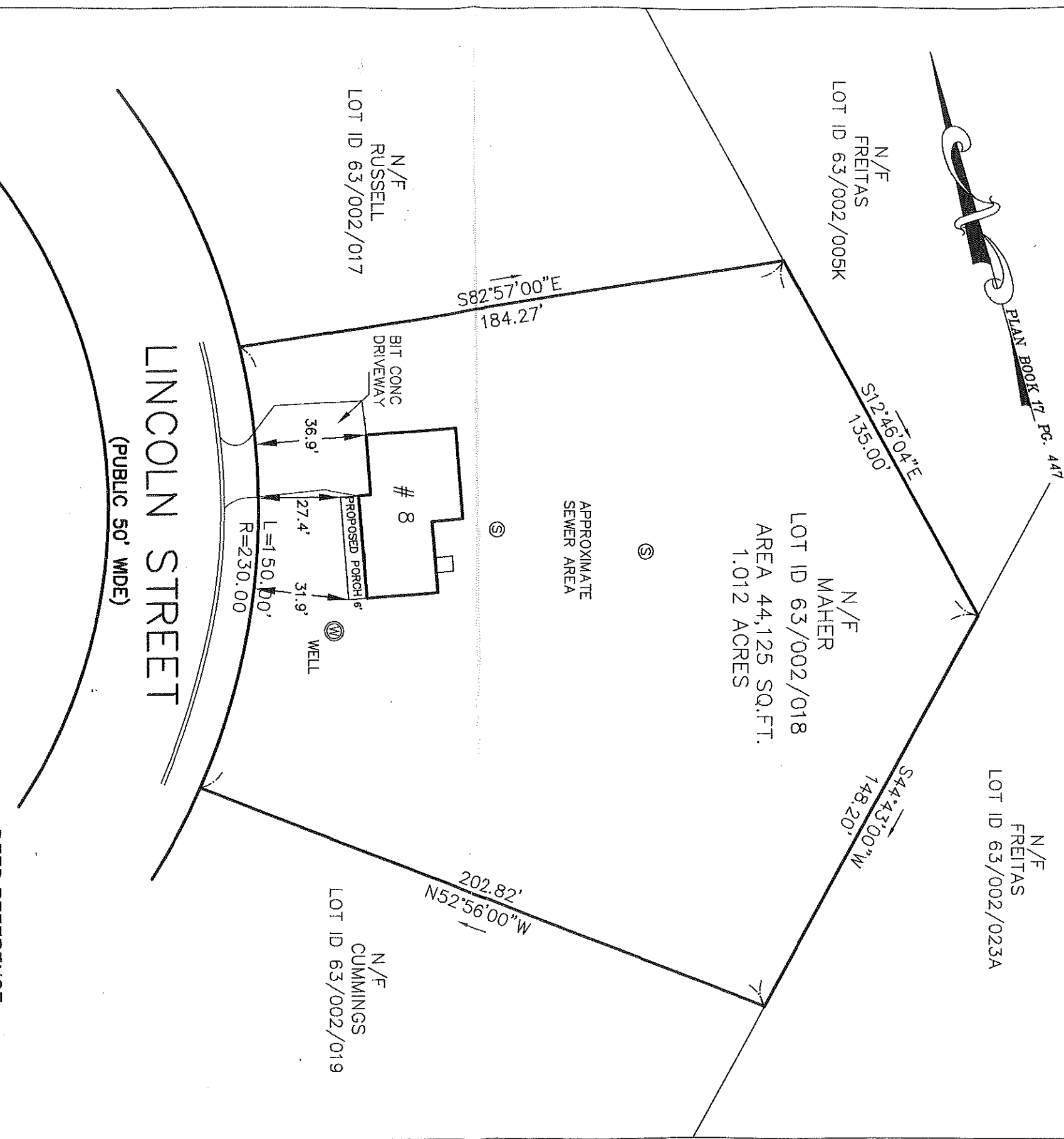
PORCH PERMIT PLAN

CHRISTOPHER MAHER
8 LINCOLN STREET
LAKEVILLE, MA.

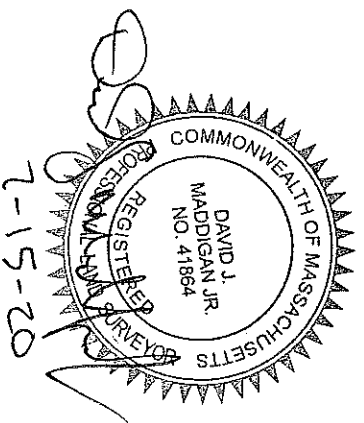
SCALE: 1"=40'
JULY 14, 2020



PLAN BOOK 17 PG. 447



ZONE: RESIDENTIAL
SET BACKS:
FRONT 40'
SIDE 20'
REAR 20'



THE FOUNDATION IS NOT LOCATED
IN A FLOOD ZONE PER FLOOD
MAP # 25023C0313K
DATE: JULY 16, 2015

DEED REFERENCE:
DEED BOOK 51689 PG. 113

PLAN REFERENCE:
PLAN BOOK 17 PAGE 447

THE HOUSE WAS BUILT, APPROXIMATELY IN 1981.
THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED
PORCH AND ITS OFFSET TO THE PROPERTY.
AN ACTUAL ON THE GROUND LOCATION SURVEY WAS PERFORMED BY
MADDIGAN LAND SURVEYING, LLC ON 7/09/2020.

PREPARED BY:
MADDIGAN LAND SURVEYING, LLC
DAVID J. MADDIGAN JR. P.L.S.
88 EAST GROVE STREET
MIDDLEBOROUGH, MA.
774-213-5196

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
August 20, 2020
Remote meeting**

On August 20, 2020, the Zoning Board held a remote meeting. It was called to order by Chairman Foster at 7:03. LakeCam was recording, and it was streaming on Facebook Live. There was no response when Mr. Foster asked if anyone was recording.

Members present:

Donald Foster, Chair; David Curtis, Vice-Chair; John Olivieri, Jr., Clerk

Also present:

Tom Anderson, Manny Buginga, Lisa & Shawn Cusson, Gerry Desrosiers, Sue Furtado, Kevin Healey, Nick Iafrate, Mohammad Itani, Rami Itani, Eughan Kelley, Stephanie Kent, Lynn LiDonni, Atty. Robert Mather, Francis Morrissey, Atty. Peter Saulino, Jeffrey Youngquist, Anthony Zucco,

Agenda item #1

Mr. Foster read this item into the record. It was an explanation of the Governor's Order Suspending Certain Provisions of the Open Meeting Law related to the 2020 novel Coronavirus outbreak emergency which was why the Board was meeting remotely. Mr. Foster advised currently there were only three members in attendance. This does present a problem as in order to conduct any business on a petition, they need a minimum of four members.

The Residences at LeBaron Hills, LLC, M026-B003-L010 hearing-request to modify their Comprehensive Permit

Mr. Foster advised in regards to a Comprehensive Permit, they only need a simple majority which is three members for a motion to carry. Therefore, they could engage in a LeBaron discussion and take a vote tonight. Mr. Foster explained they would hear the request and then decide if the request is substantial or insubstantial. If it is substantial, they will have to advertise and have a public hearing. If it is insubstantial, it would mean it is a minor change and they could move ahead.

Atty. Mather was present. He stated that he represented the developer of the LeBaron Hills project. What the Board had before them was actually brought to their attention by the residents, in particular, Jeff Youngquist. Mr. Youngquist has said that he represents a

of the residents and they would like to eliminate the sidewalks on Hybrid Drive, Putter Way, Bunker Lane and Wedge Drive. These streets all come off Boulevard. The proposed change also calls for the elimination of the setback that is behind certain lots. These were the original two changes. Mr. Mather continued when this was presented to them, he realized the process is to have any proposed change be brought forth by the developer. The proposed change has to be sent to the Zoning Board who then has 20 days to determine if the proposed change is insubstantial or substantial. Atty. Mather advised in addition, other things have come up. One was raised by Mr. Itani and another was raised by the Building Commissioner, Nate Darling.

As to the sidewalks, there is a section of LeBaron Boulevard between where the Phase I complex is and Phase II that doesn't have a sidewalk. He would like to add a sidewalk at that location. Mr. Foster asked if the section they want to add would be in line with other existing sidewalks. Atty. Mather replied that yes it will. Mr. Darling pointed out a point that he had several people approach him that wanted to put a shed on their property. The problem is these are small lots and the setback that had been put into effect for the 40B was fifteen feet from the rear of the lot and eight feet from the side of the lot line. The issue with that is because they have small lots, if they are meeting those requirements, they are probably putting the shed in the middle of their yard. Mr. Darling's suggestion is to ask the Board to allow a shed on the side or rear but only for one accessory building of 120 square feet or less with a maximum height of 12.5 feet to the roof ridge line.

Mr. Mather said this request comes from the residents so they are fine with whatever the Board decides. They think it's a reasonable request and will accept whatever decision the Board makes. He would now like to ask Mr. Youngquist to give a little more information regarding the request so the Board can make a decision regarding if this is a substantial or insubstantial change. Mr. Youngquist told the Board. He advised in regards to the sidewalk issue, for most of the housing the yard is only twenty to twenty-five feet, the sidewalk is four feet and there is a two-foot strip. Everyone has planted grass up to the road and many residents have also planted grass in the middle of the road so it doesn't really make a difference if there is a sidewalk. He didn't really see the purpose of the sidewalk. Mr. Foster asked if any sidewalks had been built. Mr. Youngquist replied they had not.

Mr. Foster then asked about the fence issue. Mr. Youngquist responded it was a 42-inch high fence. He was unsure why it had been included. Some of the residents already have fences and feel this fence would only be a trash collector and they do not want a fence in their backyard. Mr. Foster asked if the fence had been installed. Mr. Youngquist said no. Mr. Foster said he would guess that the original plan put a fence there to keep children from wandering into the pond that is on the site. Mr. Foster asked if there were other LeBaron residents present. No one spoke.

Mr. Mather advised Board members they would be deliberating on removing some items, adding a sidewalk to the plan, eliminating the fence, and also changing

setbacks for a shed. Mr. Foster asked Mr. Curtis or Mr. Olivieri if they had any comments. Mr. Curtis asked what the name of the new street that went out to Route 79 was. Mr. Itani replied Country Club Lane and that one has sidewalks because it is a main road. This addition creates a new entrance to the neighborhood. All the side streets in Phase I do not have sidewalks and the residents of the new phase have questioned why they are in their phase but not the previous one. That is when the residents started contacting him, and he told them he was neutral on it. However, if they wanted to take it to the ZBA, he would be more than happy to do whatever is decided. Mr. Olivieri said that he was also fine with it if that is what the residents wanted.

Mr. Foster said he had a question on Item #3, the setback issue. In the past, when they allowed people to put things in the defined setback, they would put a statement into the restriction that would say that the intrusion into the setback does not define a new setback on that property line. Would they allow some type of language in a similar restriction? Mr. Olivieri noted that the request is limited to one accessory structure. If they limit it to one accessory structure, they are not going to create a new setback, and that would prevent multiple sheds or structures. Mr. Foster said you could have a homeowner that wanted to add a deck. Atty. Mather replied this would not apply. They are allowing a setback exemption but only for an accessory building, and only one building. They are also limiting the size of that building. He did not feel it needed to be additionally conditioned. Mr. Foster thought that was a good point and the language did not need to be changed.

Mr. Foster then asked if there was anyone present who would like to speak for or against this request. Mr. Foster said in his opinion, he thought these were trivial and insubstantial requests. Mr. Olivieri agreed.

Mr. Olivieri then made a motion, seconded by Mr. Curtis, to find that the request is insubstantial.

Roll Call Vote: Mr. Olivieri-Aye, Mr. Curtis-Aye, Mr. Foster-Aye

Mr. Foster then explained they had three petitions on their schedule for the night but they could not do any business on them. He did not think they should open them without a fourth member because if they opened, they could not decide. If information was presented and they got additional members all the information would have to be re-presented. He said they could answer questions, if there were any.

Mr. Manny Bugginga asked if there was any way to find out if Board members were running late. Mr. Foster replied that as of last week they only had three members and the Selectmen only appointed one member. He thought that he might not have yet been sworn in by the Town Clerk. Mr. Bugginga asked if they would have to re-advertise. Mr. Foster was unsure.

Ms. Lynn LiDonni asked if they knew when the Town was going to have enough members to be able to hear these applications. Mr. Foster recommended Ms. LiDonni

direct her question to the Board of Selectmen. She then asked if they would have to wait until the next meeting or if a meeting could be scheduled sooner. Mr. Foster asked Ms. Murray the time frame for posting. Ms. Murray replied that is something she would want to check on. Whereas they were not opening the hearings, they might have to be re-advertised. However, they were still under the State of Emergency so right now they had no deadlines. Ms. LiDonni asked what that meant. Ms. Murray replied that normally they had 65 days in which to open a hearing but because they are still under the State of Emergency from Covid-19 those deadlines are waived until it is lifted. Once it is lifted, they will then have 45 additional days to open any petitions.

Mr. Olivieri asked if they could open the hearings and then just vote to continue. That way they would not have to re-advertise. Ms. Murray said she would caution against that. The email she had received from Town Counsel did not recommend opening the hearings. She then read the email into the record which stated if the hearings were opened all applications would need to be deemed denied as a super majority was not obtained and the applicant would be foreclosed from re-applying within two years. Mr. Foster apologized to the applicants that were present but he said it appeared they would not be able to move forward on any of the petitions. Mr. Olivieri suggested reaching out to the applicants to update them when they had a fourth member.

Meeting minutes

Mr. Olivieri made a motion, seconded by Mr. Curtis, to approve the minutes from the July 16, 2020, meeting.

Roll Call Vote: Mr. Olivieri-Aye, Mr. Curtis-Aye, Mr. Foster-Aye

Mr. Olivieri made a motion, seconded by Mr. Curtis, to approve the minutes from the February 20, 2020, meeting.

Roll Call Vote: Mr. Olivieri-Aye, Mr. Curtis-Aye, Mr. Foster-Aye

Mr. Foster said before they adjourned the meeting, he would suggest the applicant for 32 Fuller Shore Road provide the Board with some detailed drawings.

Mr. Foster then adjourned the meeting at 7:45.