

TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp received & posted:

LAKEVILLE TOWN CLERK RCUD 2022 MAY 5 AM11:26

48-hr notice effective when time stamped

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

Name of Board or Committee:	Zoning Board of Appeals
Date & Time of Meeting:	Thursday, May 19, 2022 at 7:00 p.m.
Location of Meeting:	Lakeville Public Library 4 Precinct Street, Lakeville, MA 02347
Clerk/Board Member posting notice:	Cathy Murray

Cancelled/Postponed to:	(circle one)
Clerk/Board Member Cancelling/Postponing:	

AGENDA

1.

Petition hearings (Votes to be taken)

<u>Solana hearing – 29 Pilgrim Road</u> – request for a Special Permit under 6.1.3 and 7.4 to add a garage that would be within the required setbacks on a pre-existing, non-conforming lot.

- 2. Reorganization of the Board
- 3. Approve Meeting Minutes for March 17, 2022 and April 21, 2022
- 4. Old Business
- 5. New Business
- 6. Next meeting ... Thursday, June 16, 2022
- 7. Adjourn

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

Town of Lakeville

ZONING BOARD OF APPEALS

346 Bedford Street Lakeville, MA 02347 774-776-4350



The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on Thursday, May 19, 2022, at 7:00 P.M. in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of **Leonardo Solana**. A **Special Permit** under **6.1.3** and **7.4**. is requested to add a 20' x 22' garage that would be within the required setbacks on a pre-existing, non-conforming lot, as provided by the Lakeville By-Laws. The property site is **29 Pilgrim Road**.

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

John Olivieri, Jr., Chairman

May 5, 2022 & May 12, 2022



Town of Lakeville

Board of Health 241 Main Street Lakeville, MA 02347 Board of Health (508) 946-3473 (508) 946-8805 (508) 946-3971 fax

May 5, 2022

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

Re: 29 Pilgrim Road

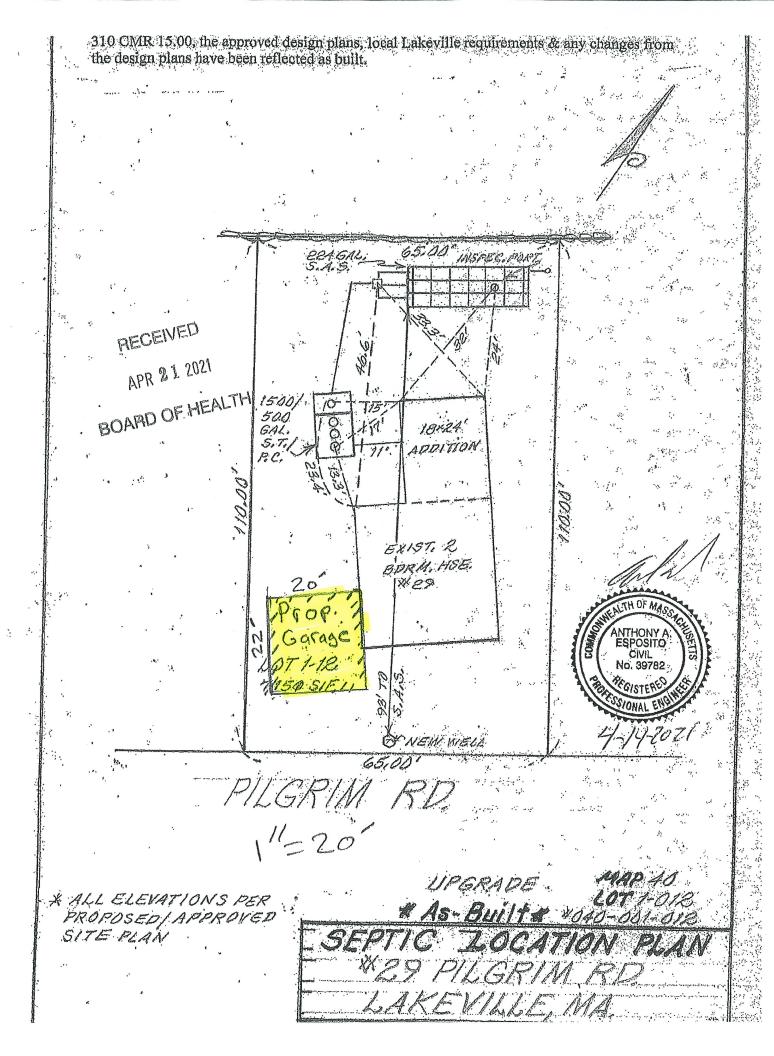
Dear Chairman Olivieri:

We received a copy of the Petition for Hearing for 29 Pilgrim Road. Providing the garage is only a garage and there is no room above the garage that could be used as habitable space, then the Board of Health has no objections to the proposed garage.

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

Sincerely For the Board of Health

Edward Cullen Health Agent





Mark Knox, Chairman Peter Conroy, Vice Chairman Nora Cline Jack Lynch Michele MacEachem

Town of Lakeville

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

MEMORANDUM

TO:

Board of Appeals

FROM:

Planning Board

DATE:

May 18, 2022

SUBJECT: Petition Review for Solana – 29 Pilgrim Road

At their Thursday, April 28, 2022, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.

TOWN OF LAKEVILLE MASSACHUSETTS

ZONING BOARD OF APPEALS PETITION FOR HEARING

Name of Petitioner: LEONARDO SO/ANA
Mailing Address: 18 STAPLES Shore Rd, LAKEVIlle 02347
Name of Property Owner: LEONAND Solava
Location of Property: 29 PII PRIM Rd, CAKEVILLE, MA
Property is located in aresidentialbusinessindustrial (zone)
Registry of Deeds: Book No. 49443 Page No. 330
Map 40 Block Ol. Lot Ol2
Petitioner is:ownertenantlicenseeprospective purchaser
Nature of Relief Sought:
Special Permit under Section (s) 6, 1, 3 of the Zoning Bylaws
Variance from Section (s) of the Zoning Bylaws.
Appeal from Decision of the Building Inspector/Zoning Enforcement Officer
Date of Denial
Brief to the Board: (See instructions on reverse side—use additional paper if necessary.) Add ONE CAR SARAGE 20 X 22 TO 29 PIPPIN Rd (AKRINUS, MASS 02347 EXTRUSION OF NON CON-CONNING STRUCTURES
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: LEONARD SOLANA Date: 4/13/22
Signed: Telephone: 508 962 4752
Owner Signature: Owner Telephone:
(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

We do hereby certify that the septic system depicted here was constructed in compliance with 310 CMR 15.00, the approved design plans, local Lakeville requirements & any changes from the design plans have been reflected as built. RECEIVED APR 21 2021 BOARD OF HEALTH 1500, 18×24 ADDITION P.C.

PILGRIM RD

* ALL ELEVATIONS PER PROPOSED/APPROVED WAS-Built & YO40-001-012

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OEINEMEN K 15'8"-1 1 22' 2"-> < 1914"-S S ADDITION コピ かりいり 50 H

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-010-100-041

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Erika Correia, Treasurer/Collector

Town of Lakeville 346 Bedford Street Lakeville, MA 02347

From: Zoning Board of Appeals

Town of Lakeville

Zoning Board of Appeals 346 Bedford Street Lakeville, MA 02347 508-946-3473

NOTICE TO TAX COLLECTOR

lease inform the Zoning Board of Appeals as well as the Board of Selectmen, as to whether or not ne following property owner/applicant/petitioner owes the Town of Lakeville any outstanding taxes nd/or municipal charges that have remained unpaid for more than one year.
LEONANDO SOLANA
Name of Applicant/Petitioner
LEOWANDO SOLANA
Name of Property Owner
29 Pilgrin Rd, Lakouila, Map-Block-Lot
Address of Location for Permit Use Map-Block-Lot
18 Staplies Shows Rd, CAKEUILLE,
Address of Applicant/Petitioner
THIS SECTION TO BE COMPLETED BY THE TREASURER/COLLECTOR
Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? (Yes or No)
Signed Paule Bull Adelle Erika Correia, Treasurer/Collector
Date 4 26/23

Zoning Board of Appeals Lakeville, Massachusetts Minutes of Meeting March 17, 2022 Remote meeting

On March 17, 2022, the Zoning Board held a remote meeting. It was called to order by Chairman Olivieri at 7:06 p.m. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

John Olivieri, Jr., Chair; Nora Cline, Member; Christopher Campeau, Associate; Christopher Sheedy, Associate

Others present:

Mark Resnick, Town Planner; Derek Maksy, applicant; Sandra Frechette, abutter

Agenda item #1

Mr. Olivieri read this item into the record. It was an explanation of how the provisions of Chapter 20 of the Acts of 2021 allowed the Board to continue to meet remotely.

Approve meeting minutes

Mr. Campeau made a motion, seconded by Mr. Sheedy, to approve the meeting minutes from the February 17, 2022, meeting.

Roll Call Vote: Mr. Campeau-Aye, Mr. Sheedy-Aye, Mr. Olivieri-Aye; Ms. Cline-Abstain

New Business – Review draft Hazard Mitigation Plan

Mr. Olivieri advised this plan had been presented to the Board for review. There were no comments.

Maksy/Johnson hearing – 2 Morrison Way

Mr. Olivieri noted that as of right now, there were only four members in attendance. He asked Mr. Maksy if he would like to proceed with the hearing as he would need a super majority or a unanimous vote for a potential approval. Mr. Maksy said that he was fine with proceeding. Mr. Olivieri then read the legal ad into the record. He asked Mr. Maksy to explain what it was that he wanted to do.

Mr. Maksy stated that the owner of the property, Julio Johnson, had done a substantial amount of work to the property. Mr. Maksy was unsure why he did not have the proper permits. When he went to purchase the house, he spoke to the Building Commissioner who explained to him that certain permits had not been pulled. He was trying to rectify this situation which is why he was now in front of the Zoning Board. He would be doing full permits for the electrical, plumbing, and building, if the Board votes to approve this petition, which will then bring this property into conformance. Mr. Maksy advised that the porches have been enclosed, and there is a second story addition.

Mr. Olivieri wanted clarification that the porches and the second floor was all habitable area or the intent for it to be. Mr. Maksy replied that was correct. Mr. Olivieri then read comments from the Town Boards into the record. The March 14, 2022, memo from the Conservation Commission stated the work would be inside the 100-foot buffer zone and requires filing a Notice of Intent (NOI) for the impact lot, or would be subject to a Notice of Violation. The March 14, 2022, memo from the Planning Board had no comment regarding the petition. The February 28, 2022, letter from the Board of Health stated that the septic system approved in 2016 is sized for a two-bedroom home with a restriction that no increase in flow would be allowed. The Board of Health recommended that any approval by the Zoning Board should be pending a Board of Health approval.

Mr. Olivieri asked the applicant if he was aware of the Board of Health and Conservation letters. Mr. Maksy replied that he was not. He would file a NOI with Conservation but was unsure of what the Board of Health was requiring. Mr. Olivieri said it appears they would be looking for an upgrade to the existing septic system because they are assuming the flow is going to increase with the enclosed porches and the second-floor addition. Mr. Maksy said that he had spoken to the Health Agent and the concern was that the addition does not become a third bedroom. Mr. Olivieri said if the Board were to move forward it would be pending Board of Health approval.

Mr. Olivieri asked if there were any comments from Board members. Ms. Cline asked what the intent was for the additional space that has been built as far as the second floor. Mr. Maksy said the second floor is a master bedroom with a bath. The first floor consists of a living room, kitchen, dining room, and one more bedroom. Ms. Cline asked how many bathrooms would be in the house now, and how many were there prior. Mr. Maksy said that he did not know how many bathrooms were previously in the house, but there would now be two.

Mr. Sheedy said within the documents submitted there is a copy of a deed restriction for a two-bedroom home that would have to continue. He asked if an upgrade to the system would be to improve it rather than increase the capacity. Mr. Olivieri said regarding the Board of Health letter, it appears that the Board of Health was not aware of the addition as the current owner did not follow the regulations. He speculated that they want this to go through the normal process to make sure that there are not any additional bedrooms which would add additional flow to the septic system that is currently there.

Mr. Resnick noted that he had talked to the Building Commissioner concerning this. He has advised the applicant what would be required if this was approved by the Board to ensure that the building was constructed properly, as well as what may have to be done to improve and finish the construction. As far as the bedroom count, if he was converting an existing bedroom downstairs

to living space, or if he chooses to keep the bedrooms and upgrade the system, he would have to do that through the Board of Health. Mr. Maksy confirmed that the plan is to have only one-bedroom downstairs and one bedroom upstairs and the same for the bathrooms. The property will be brought into conformance to meet both Board of Health and the Building Commissioner's requirements.

Mr. Olivieri asked if anyone in the audience had any questions. Mr. Campeau asked how this issue had been brought to light. Mr. Maksy then called into the meeting due to a poor connection. Mr. Maksy said the seller had listed the property. After he made an offer and part of his due diligence was to make sure that it was brought into compliance. When speaking with the Building Commissioner, he found that there were some additions and construction that were done without the proper permits. He said that he would like to make sure that any outstanding building, electrical, or plumbing permits were taken care of, and also including the Zoning Board of Appeals and the Board of Health. He was trying to make this bad situation better. He noted the septic system is good, and there will be no harm to Long Pond.

Ms. Cline asked if there was a history to the Board approving something like this that had not gone through the proper permitting? Mr. Olivieri said although it has not happened a lot, there have been some instances where applicants have come to the Board to bring things into compliance. Ms. Cline said her concern would be setting a precedent. Mr. Olivieri said the Board does not set precedent. The key here is that they look at this through the lens that if this hadn't already been done, would they have approved it? They don't want to approve something just because it has already been done, but it should be based on the merits of the project. Ms. Cline noted that they had not heard any comments from abutters. Ms. Murray said that abutters had been notified and had the opportunity to make any comment in regards to the application.

Ms. Sandra Frechette of 4 Morrison Way asked if she would be allowed to do the same thing. Mr. Olivieri said that she would go through the same process. As long as she met the criteria, it could be granted, but there is not a for certain yes or no answer.

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

- 1. Board of Health approval is required.
- 2. The house will remain a two-bedroom home with no increase to flow.
- 3. Conservation Commission approval is required.

Roll Call Vote: Mr. Campeau-Aye, Ms. Cline-Aye, Mr. Sheedy-Aye, Mr. Olivieri-Aye

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

The hearing closed at 7:33.

Documents distributed for the hearing:

Petition packet Legal ad Board of Health email of February 28, 2022 Conservation Commission correspondence of March 14, 2022 Planning Board correspondence of March 14, 2022

Old Business

There was no old business.

New Business - continued

Ms. Murray advised that the Handbook for Appointed and Elected officials had been sent out. She asked that all members sign the acknowledgement and bring it into the Town Clerk.

Next meeting

Mr. Olivieri advised the next meeting is scheduled for April 21, 2022, at 7:00 p.m. at the Police Station.

Adjourn

Ms. Cline made a motion, seconded by Mr. Sheedy, to adjourn the meeting.

Roll Call Vote: Ms. Cline-Aye, Mr. Sheedy-Aye, Mr. Campeau-Aye, Mr. Olivieri-Aye

Meeting adjourned at 7:41.

Zoning Board of Appeals Lakeville, Massachusetts Minutes of Meeting April 21, 2022

On April 21, 2022, the Zoning Board held a meeting at the Lakeville Police Station. The meeting was called to order by Vice-Chairman Younquist at 7:00 p.m. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

Jeffrey Youngquist, Vice-Chair; Gerald Noble, Vice-Clerk; Chris Carmichael, Member; Christopher Sheedy, Associate

Others present:

Marc Resnick, Town Planner; William Bache, John Batistsa, Dawn and Michael Collins, applicants; Courtney Steinberg, builder's representative, John DeRosa, Brian Shinney, Leona and Dennis Brienzo, abutters

Mr. Youngquist explained to all the applicants present that the Zoning Board is a five-member Board. It takes a super majority for the approval of a petition which is four members. Tonight, they only have four members present, meaning they would have to have four in favor or a unanimous vote of the Board for approval.

Bache hearing – 12 Bristol Street

Mr. Youngquist opened the hearing and read the legal ad into the record. Mr. Bache and Mr. John Darosa of 5 Bristol Street were present. Mr. Bache advised that he had a non-conforming, pre-existing lot, and he would like to put a garage on the top portion of the property to get his boat, vehicles, etc., out of the weather. Mr. Youngquist said that he had looked at the application. Mr. Bache noted there would be no plumbing or heat. It would not be habitable. Mr. Youngquist asked if he was going to have the property surveyed, as it appeared he was going very close to the lot line. Mr. Bache said he has had someone out there. They will come out again and do the swing lines and pin the corners.

Mr. Youngquist then read comments from the Town Boards into the record. The March 23, 2022, letter from the Board of Health stated that the proposed garage is greater than the minimum ten feet from the existing leach field. The Board of Health had no objection provided the garage was not to be habitable space. The April 19, 2022, memo from the Planning Board had no comment regarding the petition. The April 19, 2022, email from the Conservation Commission stated there were no wetland issues on the site.

Mr. Youngquist asked if Board members had any comments. Mr. Carmichael asked where the nearest structure was located on the adjacent lot. Mr. Bache estimated it would be at least 50 to 75 feet away. Mr. Youngquist asked if anyone present would like to speak. No one spoke.

Mr. Noble then made a motion to approve the petition for a Special Permit, seconded by Mr. Sheedy, with the following condition:

1. The garage will not be habitable

Roll Call Vote: Mr. Carmichael-Aye, Mr. Noble-Aye, Mr. Sheedy-Aye, Mr. Youngquist-Aye

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

The hearing closed at 7:09.

Documents distributed for the hearing:

Petition packet Legal ad Board of Health correspondence of March 23, 2022 Conservation Commission email of April 19, 2022 Planning Board correspondence of April 19, 2022

Batista hearing – 24 Pilgrim Road

Mr. Youngquist opened the hearing and read the legal ad into the record. Mr. Batista was present. He advised he was in the process of trying to purchase this property in the hopes that he could get a permit and move forward. There is an existing small cottage that is within the front and side setback. He is proposing to raze the existing structure and build a new structure. He would be able to conform to the rear and side setbacks and improve the distance he extends into the front setback.

Mr. Youngquist asked if he would be increasing the number of bedrooms. Mr. Batista replied he believed the septic system that was designed and approved was for a two-bedroom system. Mr. Youngquist asked how much larger the footprint of the proposed house was compared to the existing. Mr. Batista said that in one direction it was increased by two feet and in the other direction it was ten or twelve. However, he has not yet done a floor plan because he did not know what restrictions he might have. Mr. Youngquist said the restrictions would be in the bedrooms. He could keep it near the same square footage with some expansion.

Mr. Sheedy asked if he conformed to the front setback how would that impact the footprint of the house. Mr. Batista replied because of the angle of the road the impact would be three and a half feet on one side and seven feet on the other side. He had the surveyors use a 24'x 32' building. He then approached the Board and displayed the plan. Mr. Carmichael asked if he was requesting variances for the setbacks or was he proposing to not go any closer than the 20.5 from each side, the 32.5 from the front, and the 32 from the rear. The Board would need to set those parameters now. Mr. Batista was fine with that. He noted he was moving the home further back from the street as well as the neighboring homes.

Mr. Carmichael asked what the square footage of the original home that was there now. Mr. Batista estimated 600 square feet. The Board then discussed the square feet of the proposed dwelling. It would be approximately 1,500 square feet. Mr. Batista said the first floor was going to be a garage. He was willing to conform the best he could. Mr. Youngquist noted that by placing the house in the middle of the lot, he was doing the best he could. He was not really increasing the square footage of living space significantly, but putting a garage underneath it.

Mr. Youngquist asked if there were any neighbors present that would like to speak. Mr. Brian Shinney of 26 Pilgrim Road consulted the plan. Mr. Batista then discussed the style of the proposed house. Although he did not have drawings, it was to be a farmhouse style cottage. He said that everything across the street is cottage style, but there was a farmhouse style home to the left. He estimated the height of the house would be under 32 feet.

Mr. Shinney then asked how high the lot would be raised, and if there was drainage proposed. Mr. Carmichael asked if he would be willing to put his downspouts into a dry well. Mr. Batista said he would have no problem with that. He would think that there would be a swale between the two properties and have it going towards the back, but he would be willing to do whatever is required and work with the neighbors. He will be living in the house, and he would not want to start off on a bad foot. He would be the one building the house and if there were any issues, he would welcome working with the neighbors with any concerns. Mr. Batista noted that he had no intention of raising the property just the septic in the back.

Ms. Leigh Brienzo of 25 Pilgrim Road then spoke. She advised that there was a problem with a very bad water table. How high is the house going to be? Will it be taller than the power lines and will that affect anything? Mr. Youngquist said as far as he was concerned, it did not. He estimated the house would be 26 to 28 feet above the ground. Ms. Brienzo noted that her whole life the structure had only been a one bedroom. Mr. Batista said that he had not gone inside. Mr. Carmichael added that there will be a two-bedroom restriction. Ms. Brienzo then asked if he planned on taking out the existing cesspool. Mr. Batista replied that it is all part of the Board of Health requirements for the proposed new system.

Mr. Youngquist then read comments from the Town Boards into the record. The April 19, 2022, memo from the Planning Board had no comment regarding the petition. The March 23, 2022, letter from the Board of Health stated that the applicant had an approved septic plan for the proposed two-bedroom dwelling. They had no objections as long as they received a copy of the building plans to confirm that it would only be a two-bedroom dwelling. The April 19, 2022, memo from the Conservation Commission stated there were no wetland issues on the site.

Mr. Youngquist asked if Board members had any other questions. There were none. Mr. Carmichael then made a motion to approve the petition for a Special Permit, seconded by Mr. Sheedy, with the following condition:

1. The front and rear setbacks will not exceed 32 feet to the foundation. The side setbacks will not exceed 20 feet to the foundation.

Roll Call Vote: Mr. Carmichael-Aye, Mr. Noble-Aye, Mr. Sheedy-Aye, Mr. Youngquist-Aye

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

The hearing closed at 7:35.

Documents distributed for the hearing:

Petition packet Legal ad Board of Health correspondence of March 23, 2022 Conservation Commission email of April 19, 2022 Planning Board correspondence of April 19, 2022

Steinberg/Collins hearing – 7 Carrie Street

Mr. Youngquist opened the hearing and read the legal ad into the record. Ms. Courtney Steinberg was filling in for Mr. Steinberg, the general contractor, who was away on a family emergency. Mr. & Mrs. Collins were also present. Ms. Steinberg advised that the Collins were proposing a front and rear porch to be added to their home. Mr. Youngquist noted the sketch he had received was a little rough. Were they proposing a rear porch which is 10 feet wide and x 25.6 inches? Mr. Collins said that was correct. Mr. Youngquist continued, in the front were they proposing an 8 foot by 28-foot porch? Ms. Steinberg replied that was also correct. Mr. Youngquist asked if they were enclosed. Mr. Collins said they were just decks with a cover running over the door in the center.

Mr. Youngquist asked Board members if there were any questions. Mr. Carmichael clarified that they said porch and it says deck so it was a sundeck not a covered porch? Ms. Steinberg said that was right. There were no other questions from Board or audience members.

Mr. Youngquist then read comments from the Town Boards into the record. The April 14, 2022, letter from the Board of Health stated that provided no part of the deck would be within five feet of any septic component, the Board had no objection to the proposed decks. The April 19, 2022, memo from the Conservation Commission stated there were no wetland issues on the site. The April 19, 2022, memo from the Planning Board had no comment regarding the petition.

Mr. Noble then made a motion to approve the petition for a Special Permit. It was seconded by Mr. Sheedy.

Roll Call Vote: Mr. Carmichael-Aye, Mr. Noble-Aye, Mr. Sheedy-Aye, Mr. Youngquist-Aye

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

The hearing closed at 7:41.

Documents distributed for the hearing:

Petition packet Legal ad Board of Health correspondence of April 14, 2022 Conservation Commission email of April 19, 2022 Planning Board correspondence of April 19, 2022

Approve meeting minutes

The minutes will be put on the next meeting agenda.

Old Business

There was no old business.

New Business

There was no new business.

Next meeting

Mr. Youngquist advised the next meeting is scheduled for May 19, 2022, at 7:00 p.m.

<u>Adjourn</u>

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

Meeting adjourned at 7:42.