Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
August 15, 2019

Members present:
Donald Foster, Chair; David Curtis, Vice-Chair; Janice Swanson, Vice-Clerk; Chris Carmichael, Associate Member; Joseph Urbanski, Associate Member

Members absent:
John Olivieri, Jr., Clerk, and Daniel Gillis, Associate Member

Regular Meeting:
Mr. Foster opened the regular meeting at 7:01 p.m. He then stated he was required, in accordance with the Open Meeting Law, to announce that he and the secretary were making an audio recording of the meeting. LakeCAM was making a video recording. He asked if anyone present was making a recording. There was no response.

Maksy hearing – 139 Staples Shore Road
Mr. Foster opened the Maksy hearing at 7:03 and read the legal ad into the record. Ms. Maksy was present. She advised a local builder would be working with her to construct this outbuilding. It was going to be in the same vicinity where the previous shed had been. That was a smaller shed that had been removed when it was damaged. There is a cleared area behind the septic system which is where she would like to locate the shed if the Board grants her request.

Mr. Foster asked what the intended use of the shed was. Ms. Maksy replied if she was to get a second vehicle, she could put it in the garage. There was also an opportunity for her to have storage on the second floor as she did not have a basement in her home. She could store all her real estate supplies in it. Mr. Foster noted that a 15' x 20' shed is rather substantial size shed. Is it really a garage? Ms. Maksy said that she did want a garage door on it, if possible. Mr. Foster asked if there would be heat. Ms. Maksy was unsure. He then asked if there would be water. Ms. Maksy said there would not be water.

Mr. Foster said he did not see a measurement as to what the setback would be. It was noted that the old shed would define the setback as nine feet. On the other side Ms. Maksy said that it is five feet. Ms. Maksy then approached the Board to consult the plan
and discuss the measurements. She said she had 50 feet all together going across. There is 20 feet for the proposed new dwelling, which leaves 15 feet on either side. Ms. Hannah Clayton then approached the Board to also consult the plan. Ms. Maksy explained how she wanted to place the structure.

Mr. Foster then read the Brief to the Board into the record. He also read the correspondence from various Town Boards. The Board of Health, in its August 5, 2019, memo, indicated the proposed shed foundation meets the required ten foot setback to the leaching area. It noted the shed was not to be used as habitable space. The August 12, 2019, letter from the Conservation Commission stated the shed will be within the 100’ buffer zone of an adjacent wetland so a Request for Determination of Applicability will be required.

Ms. Maksy said she had spoken to Mr. Bouchard regarding this and what she needed to do. If she could get the ad in the paper by August 19th, she could go in front of Conservation on August 27th. If the Board would be inclined to approve tonight it could be subject to that. Mr. Foster asked Mr. Chamberlain, who was in the audience, if that would be acceptable. Mr. Chamberlain said that he had not seen the plan and was unaware of how much work was required. Mr. Foster said they would then address this as they continue to move forward with this petition. The Planning Board in their August 1, 2019, memo stated they had no comments on the petition.

Mr. Foster asked if Board members had any comments. Ms. Swanson asked that the setbacks be specified again. Ms. Maksy replied she would like it to be five feet off the line of the left boundary. There would be 25 feet on the other side. Mr. Foster noted that none of that information was on the drawings and it would be within their authority to reject this because of the lack of engineered drawings. He would like to recommend they continue until next month so Ms. Maksy could return with engineered plans.

Mr. Foster asked if anyone present would like to speak for or against the petition. The neighbor on the right side facing the woods did not have a problem with the request. Mr. Foster asked Board members what they wanted to do. Mr. Curtis said he would like to continue so they could get more specific drawings. Mr. Urbanski agreed.

Mr. Carmichael also wanted a clearer definition of what was being built. It was called a shed but now Ms. Maksy is telling them it is a garage. If there is going to be a garage door on it, it needs to be labeled as such. Mr. Carmichael asked why a two story garage was needed. Ms. Maksy replied she needed it for storage. Mr. Foster noted that if they decide to approve this, they might add restrictions such as no heat, no insulation, or no water. Mr. Carmichael said they should instead say that it could not be habitable.

Mr. Curtis then made the motion, seconded by Mr. Urbanski, to continue the Maksy hearing until September 19, 2019. The time would be 7:00. The vote was unanimous for.

The hearing closed at 7:22.
**Martin hearing – 42 Taunton Street**

Mr. Foster opened the Martin hearing at 7:23 and read the legal ad into the record. Mr. & Mrs. Martin were present. Mr. Foster asked how big the lot was. The Martins replied it was 36,000 square feet. Mr. Foster asked if this would be a garage. Mr. Martin said it was. Mr. Foster asked why the proposed garage was so large. Mr. Martin replied they do have a couple of race cars, a boat, lawn mowers, etc.

Mr. Foster asked why the garage needed to be only ten feet from the rear property line. Mr. Martin replied there was a huge rock in the middle of his back yard and digging it out isn’t really an option. Mr. Martin displayed on the plan where the rock was located. He also indicated where the driveway was, a hill on the lot, and a stone wall.

Mr. Foster then read the correspondence from various Town Boards into the record. The August 5, 2019, letter from the Board of Health stated the proposed structure meets all the required Board of Health setbacks. It also noted the structure was not to be used as habitable space. The August 12, 2019, memo from the Conservation Commission stated there were no wetlands at this location. The August 1, 2019, memo from the Planning Board had no comment on the petition.

Mr. Martin then used his phone to show members the layout of his lot. Mr. Foster asked what members thought. No one spoke. Mr. Foster said the real issue before them is not the accessory building but the ten foot setback. Mr. Urbanski asked what was on the side and rear of the property. Ms. Martin replied it was the same neighbor behind them and on the side of them. Mr. Foster pointed out that there was a letter from Mr. and Mrs. Link who abutted the property on one side and behind the Martins. They had no objection to the request.

Mr. Foster asked if anyone present would like to speak for or against the petition. No one spoke. Mr. Curtis then made a motion, seconded by Mr. Urbanski, to approve the petition with the following conditions:

1. The structure is not be used for habitation.
2. The structure is not to be used as a business.

The vote was unanimous for.

Mr. Foster explained the timing of the filings, the appeal period, etc.

The hearing closed at 7:37.

**Documents distributed for the hearing:**

- Petition packet
- Legal ad
- Board of Health correspondence of August 5, 2019
- Conservation Commission correspondence of August 12, 2019
- Planning Board correspondence of August 1, 2019
Mastrangelo hearing - 2 Morrison Way

Mr. Foster opened the Mastrangelo hearing at 7:37. He read the August 1, 2019, letter from Zenith Consulting into the record. The letter requested the petition be withdrawn without prejudice.

Mr. Carmichael made a motion, seconded by Mr. Curtis to accept the withdrawal without prejudice. The vote was unanimous for.

The hearing closed at 7:38.

Informal meeting with Mark Knox and Jamie Bissonnette regarding the old Police Station

Mr. Bissonnette advised what they wanted to do was present the Board with the direction in which this project is heading and make sure the Board is generally favorable to that. He stated all the buildings would be razed. They are then looking to construct a new commercial building. He distributed for the record a conceptual rendering of the building and a Site Plan with a conceptual layout. The building will be pushed back to 41 feet to adhere to the front setback. The side setback will be at least the established 16 feet. There will only be one entrance to meet Mass DOT’s standards. They are also looking to place drainage, parking, septic, and some storage in the back. They will be back in front of the Board for a Special Permit for the side setback but they want to see if there are any concerns.

Mr. Carmichael asked if the parking complied with the Town’s bylaws. Mr. Bissonnette said that it does. There would be over 20 parking spaces in the back. Mr. Carmichael also asked if the storm water management comply with the State’s regulations. Mr. Bissonnette replied that it would exceed them. Mr. Foster asked what kind of business they anticipated going into the site. Mr. Bissonnette said it would be some type of a professional style business. He did not believe it would be retail, but they wanted to keep the option open for all uses that are allowed in that district.

Mr. Foster asked how many floors there would be. Mr. Bissonnette said that it would be two. There would be approximately 4,500 to 5,000 additional square feet that could also be used for business. Mr. Foster asked if anyone had any comments. A resident attending asked if he could look at the plan. He then approached the Board. He noted that the property was once a garage. Did they intend to do a 21E? Mr. Bissonnette said that he is sure that is something that will be performed but it was not something that he does. This would be done by an Environmental Engineer. Mr. Foster thanked Mr. Bissonnette and Mr. Knox for coming in.
Approve Meeting Minutes

Ms. Swanson made a motion, seconded by Mr. Carmichael, to approve the Meeting Minutes from June 18, 2019. The vote was unanimous for.

Informal meeting with Gerry Noble regarding Zoning Board vacancy

Mr. Foster stated Mr. Noble was present to see if he wanted to be part of the Board. He asked Mr. Noble if he had a background in Town Administration or bylaws. Mr. Noble replied he did not have a specific background, but he was interested in the direction of the Town and the Zoning Board did seem to be an interesting Board. Mr. Foster noted that the Selectmen now have an expectation on attendance. It is expected that members will commit to being a part of the ongoing monthly activities.

Mr. Foster stated they usually meet once a month on the third Thursday. There are times additional meetings are warranted, but that is rare. Two to three hearings per meeting are typical. They grant Variances and Special Permits. They also consider 40B applications which are for affordable housing. This is where the implementation and administration of the bylaw changes. They try to work with the developer to reach reasonable compromises and mitigate the intrusions into the bylaw. The Zoning Board also is sometimes asked to adjudicate the denial of a building permit from the Building Commissioner. Mr. Foster advised they attempt to work with petitioners to revise plans and make them less non-conforming when they are able to.

Mr. Noble asked what recommendation the Board would have so that he could get up to speed and become an effective member. Mr. Foster suggested getting a copy of the bylaws and scanning through them, but he noted it was really a matter of being at meetings month after month and participating in discussions, so his knowledge can grow. Mr. Carmichael noted that Citizens Planner and Training is a good resource for online training. They also offer a conference once a year in March.

Mr. Foster said Mr. Noble’s next step would be to write a letter of intent and interest to the Selectmen. The Board could provide positive feedback if needed. Mr. Foster explained they have five full members and two associates. He would come in as an Associate member. Associates participate in discussion but do not vote unless they do not have five full members in attendance. Mr. Foster said he considered all members equal as far as being able to participate. Mr. Noble said that he would want to actively participate and be involved in discussions. Mr. Foster then briefly went over some of the legal aspects regarding meetings and discussion among Board members. He thanked Mr. Noble for his interest in the Board and coming in to meet with them. Mr. Noble said he intended to write a letter and get it to the Selectmen. He then thanked the Board for the opportunity to serve with them.

Mr. Foster adjourned the meeting at 8:15.