

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
January 15, 2009**

Members present:

Donald Foster, Chair; David Curtis, Vice-chair; Joseph Beneski, Member; Eric Levitt, Member; Joseph Urbanski, Associate Member

Regular Meeting:

Mr. Foster opened the regular meeting at 7:00 p.m.

Roll called. Bills signed.

Mr. Foster advised that they had two hearings for tonight which were both going to be continued. They also had some minor administrative issues to take care of. Mr. Foster asked Mr. Beneski to address some of those items.

Mr. Beneski suggested that they begin to include the address as well as the name of the petitioner in the Minutes. This was because the other Boards in Town usually only used the address as a reference and where the Zoning Board has only used the name it has led to some confusion. Mr. Beneski said that in regards to the next item, he had gotten a call from Mr. Ken Upham of the Cemetery Commission who was concerned that there was supposed to be a 100 foot buffer from the cemetery property to the LeBaron property and that was not the case. Currently, there was equipment and dirt piled up against the fence. Mr. Foster said that they should hold that point until the LeBaron hearing is opened.

Mr. Beneski said that the last item he wanted to discuss was in regards to 105 Nelson Grove Road, which was the Ducharme property. The Board had granted approval to demolish an existing structure and build a new dwelling on a non-conforming lot. It was supposed to be the same footprint and conform to the setbacks but he found out that had not been the case. Mr. Ducharme also has plans for a larger deck and Mr. Beneski could not find any record of the Board approving that. He felt that they really needed to be more specific in the drawings that are presented to them as well as ensuring that all the other Boards are reviewing the same plans. Mr. Beneski noted that this is not the first time that the Zoning Board has approved plans for a project and the approved plans have not been followed. Mr. Foster agreed that they needed to be more specific both in their findings and in the restrictions they apply. He would recommend that on every Special Permit that they grant there be a restriction that construction would not deviate from the plan submitted to the Zoning Board. Mr. Foster felt that this was a good observation and that they were now aware of another step that they should take.

Mr. Curtis made the motion, seconded by Mr. Urbansy, to approve the Minutes of the November 20, 2008, meeting.

VOTE – Mr. Curtis, Mr. Urbanski, Mr. Foster - **AYE**
Mr. Levitt, Mr. Beneski – **ABSTAIN**

Smith hearing, 325 Pond Lane - continued:

Mr. Foster opened the continued Smith hearing at 7:17. He read the January 14, 2009, letter from the builder into the record. He had requested a continuance until the February meeting due to ongoing issues with the septic design.

Mr. Curtis then made the motion, seconded by Mr. Beneski, to continue the Smith hearing until February 19, 2009. The time would be at 7:15. The **vote** was **unanimous for**.

The hearing closed at 7:19.

LeBaron Residential LLC hearing:

Mr. Foster read the January 13, 2009, letter from Atty. Mather. He requested that the hearing be continued until the February meeting so that the other owners could contemplate their options and determine how they would like to proceed. The representative for the home owners was agreeable to the continuance.

Mr. Beneski made the motion, seconded by Mr. Curtis, to continue the LeBaron Residential LLC hearing until February 19, 2009. The time would be at 7:15. The **vote** was **unanimous for**.

Mr. McGillis, of 6 Daniel Road, had a couple of issues that he wanted to address. Mr. Foster said that he would like to hear what they were so that they would be documented in the minutes, although they would not be taking any action tonight. Mr. McGillis said that one of the agreements was that at the beginning of the second phase there was to be a \$200,000 endowment. He asked whereas phase two had been skipped over and they were jumping into phase three would that technically be considered as phase two. He also noted that LeBaron had agreed to construct a sidewalk down Precinct Street, to the Senior Center, down Fern Avenue, and then to the Library. Mr. Foster said that although the plan has changed he did not believe that they had deleted any of those negotiated mitigations. Mr. McGillis said that he just wanted to know if they were still going to follow through on these items. Mr. Foster felt they were excellent points and he would check with Atty. Mather in regards to them.

Mr. Foster noted again for those present that they had voted to continue this hearing until next month. The date would be February 19, 2009 and the time would be at 7:15.

The hearing closed at 7:25.

Mr. Foster advised that their last item of business is election of the Board. He had spoken to Mr. Veary and he would like to stay on as a full member and as Clerk of the Board. Mr. Beneski is Vice-Clerk which works out well because he is in Town Hall frequently. Mr. Foster said that he was willing to stay on as Chair and Mr. Curtis was willing to remain as Vice-Chair.

Mr. Beneski then made the motion, seconded by Mr. Levitt, that the positions remain the same for the year. The vote was **unanimous for**.

Mr. Curtis made the motion, seconded by Mr. Beneski, to adjourn the meeting. The **vote** was **unanimous for**.

Meeting adjourned at 7:30.