

**Zoning Board of Appeals  
Lakeville, Massachusetts  
Minutes of Meeting  
April 16, 2009**

**Members present:**

Donald Foster, Chair; David Curtis, Vice-chair; Eric Levitt, Member; John Oliveiri, Jr., Associate Member; Joseph Urbanski, Associate Member

**Regular Meeting:**

Mr. Foster opened the regular meeting at 7:14 p.m.

Roll called. There was no other business.

**Marzelli hearing, 7 Pine Bluff Road – continued:**

Mr. Foster opened the continued Marzelli hearing at 7:15. He read the April 14, 2009, correspondence from Atty. Mather into the record. Atty. Mather advised that they were attempting to obtain approval of the septic disposal system from the DEP and were requesting that the hearing be continued until the May meeting.

Mr. Curtis made the motion, seconded by Mr. Oliveiri, to continue the Marzelli hearing until May 21, 2009. The time would be at 7:15. The **vote** was **unanimous for**.

The hearing closed at 7:16.

**LeBaron Residential LLC hearing - continued:**

Mr. Foster opened the continued LeBaron Residential LLC hearing at 7:16. He read the April 14, 2009, letter from Atty. Mather into the record. Atty. Mather advised that his client was requesting to withdraw the petition for modification to their comprehensive permit. Mr. Foster noted that the letter did not specify to withdraw without prejudice, but he also stated that he did not know if that had the same bearing in a 40B petition as it did in a 40A petition. A resident of LeBaron asked what "without prejudice" meant. Mr. Foster responded that ordinarily a petitioner who withdraws or is denied cannot return with substantially the same petition for a period of two years, but requesting to "withdraw without prejudice" waives that two year restriction.

Mr. Curtis made the motion, seconded by Mr. Urbanski, to accept the withdrawal request of LeBaron Residential LLC. The **vote** was **unanimous for**.

The hearing closed at 7:19.

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

Meeting adjourned at 7:19.