

**Town of Lakeville
Zoning Board of Appeals
April 18, 2013 7:00 PM
Lakeville Public Library**

On April 18, 2013, the Zoning Board of Appeals held a meeting at 7:00 PM at the Lakeville Public Library in Lakeville. The Meeting was called to order by Chairman Foster at 7:08 P.M. Members present were: Donald Foster, Chair, David Curtis, Vice-chair, Associate Member Joseph Urbanski, and Associate Member Jim Gouveia. The meeting was being recorded by LakeCam, Donald Foster and Susan Lynch.

Regular Meeting: Chairman Foster stated that there were two petitions to be heard and that he had been contacted by someone who wanted to come in after the regular meeting to ask for advice on some improvements he would like to make to his property. Mr. Curtis made a motion to approve the minutes from the previous meeting and it was seconded by Joseph Urbanski. The vote was unanimous in favor.

Chairman Foster mentioned that he received a letter from the Barnstable Housing Authority regarding Bridge Street in that all applicants are income eligible, and after the lottery, participants were chosen. This was for informational purposes only.

Mr. Foster also stated that the Special Town Meeting has been set for June 10th and the Board of Health has been reorganized.

Weydemeyer hearing, 16 Old Powderhouse Road

Chairman Foster reopened the Weydemeyer hearing at 7:15 P.M. Mr. Weydemeyer stated that he has received a permit to move the pool house 20' from the property line and to leave the 8x10 shed where it is. He stated that he is in the process of trying to find someone to move it and was advised by Mr. Foster that there are people around that move sheds. Mr. Foster also advised Mr. Weydemeyer that there were only four members present that evening to vote and that he would have to have a unanimous vote or he could put off the vote until the next meeting. Mr. Weydemeyer chose to move forward.

Chairman Foster stated that as they left it at the last meeting, since he did gain full approval from Mr. Iafrate, his denial is moot since he now has the permit and it eliminates any objection Mr. Iafrate may have had. Mr. Foster suggested that Mr. Weydemeyer might like to withdraw his appeal since Mr. Iafrate is no longer denying the permit. Mr. Foster asked him if he had put it in writing as of yet, then stated that we could allow the withdrawal verbally, since the meeting is being recorded. Mr. Curtis made a motion to accept Mr. Weydemeyer's withdrawal for appeal and Joe Urbanski seconded the motion. The vote was unanimous in favor.

The petition was withdrawn which ended the issue, and the hearing closed at 7:18 P.M.

Lions Club of Lakeville hearing, Lot 7 now known as Lot #4 Staples Shore Road

Chairman Foster stated that this is the first of two identical hearings to allow Mr. Bisio to construct a residential dwelling on a business zoned parcel of land. Mr. Bisio stated that there is a stone wall at the back of the property that will have to be taken down and that the backyard would be graded into the racetrack area. When asked if the water was contaminated, Mr. Bisio stated that the water test came back fine and that would not be touching any of the topsoil in the racetrack.

Chairman Foster stated that he received a letter from Mrs. Garbitt who had discussed this issue with the Selectmen on April 8, 2013 and the Selectmen had no comment at the time.

Mr. Foster also stated that he received a memo from Mr. Chamberlain of the Conservation Commission regarding a letter from the Dept. of the Army, Army Corp. of Engineers, who has jurisdiction over the racetrack land. He asked Mr. Chamberlain if any of this information impedes the Board from making any decisions that evening and Mr. Chamberlain answered no, that Mr. Bisio has already started the necessary process and is doing what he has to do; beyond the wall is under jurisdiction of the Army Corp. of Engineers and the Wetlands Protection Act, once he starts to work in the back of the lot. At that time, Mr. Bisio may have to file with the Conservation Commission. The Conservation Commission just wanted to make the ZBA aware of some possible limitations on the property.

Mr. Foster informed Mr. Bisio that there were only four Board members present and that it is his discretion if he would like to put off voting this evening until they have five members and Mr. Bisio chose to proceed.

Mr. Bisio stated that he is just asking for a Special Permit, nothing else. Mr. Foster stated that the Board had no problem issuing Special Permits for the previous two parcels of land and did not think there would be an issue with these, although these now have to also meet the requirements of the Army Corp. of Engineers. The Board reviewed the plans and Mr. Foster announced that they meet all zoning requirements.

A neighbor of the lot(s) in question was in attendance and stated that when the Lions Club sold the land it was written in the Middleboro Gazette that no more houses would be built there as the property was wetlands and wanted to know why two houses are being built. She understood that only one house was to be built and that was already completed last year, so why are there two now. Mr. Chamberlain from the Conservation Commission was called upon to speak about this by Chairman Foster. Mr. Chamberlain stated that it is very common to hear something has been decreed as wetlands and nothing can be built there. Under Chapter 131, Section 40, the Conservation Commission can't just deem something unbuildable. All they can do is rule on an application to perform some work and if the work can be performed satisfactorily under the interest of the law, they can allow it.

Chairman Foster asked the neighbor to identify herself. She stated her name as Trudi Senna, 29 Staples Shore Road, and she stated she was opposed to this permit. Mr. Foster asked her how she would like a convenience store to be built on one of the lots and she said she would not be in favor of that.

Mr. Foster stated that the only reason we are here is because Mr. Bisio wants to put a residential dwelling on a business owned parcel, and they wouldn't be here if a convenience store wanted to build there. At that point another neighbor, Mr. John Callahan stood up and stated that he originally came to the meeting to oppose the petition because he thought the lot size was too small. After listening that the lots meet the appropriate zoning requirements, he was in favor of it, rather than having a convenience store or even another bar.

Chairman Foster then took a vote from all neighbors present, with one opposed, one in favor and one being undecided.

Chairman Foster suggested that a restriction be placed on the permit in that Mr. Bisio contact the Conservation Commission before any building is begun and that he give the Conservation Commission a copy of any plans, and Mr. Chamberlain stated that he has already done so.

Mr. Foster asked if there were any other issues or comments and asked for a motion.

Mr. Curtis made a motion to approve Special Permit on Lot 6 now known as Lot 4 with no restrictions. Mr. Urbanski seconded the motion. Vote was unanimous in favor.

Lions Club of Lakeville hearing, Lot 6 now know as Lot 4

Chairman Foster asked if there was anything significantly different with this permit from the previous one. Mr. Bisio stated that the only difference is the lot size, but that also meets all zoning requirements.

At this point, Mr. Curtis stated that his motion may have stated Lot 6 now known as Lot 4 instead of Lot 7 now known as Lot 4. Mr. Foster stated that he thought it was O.K.

Motion to close was made by David Curtis, seconded by Mr. Urbanski. Vote was unanimous in favor.

Motion was made by Joe Urbanski to approve request to build a residential home in a business zone, seconded by David Curtis. Vote was unanimous in favor.

Meeting with Tim Andrews, 51 Nelson Shore Road.

Mr. Andrews purchased 51 Nelson Shore Road about two years ago and would like to put an addition on his house. The lot is already a non-conforming lot and he was advised that as long as the footprint of the house didn't change it would be within the zoning laws. Mr. Andrews stated that he wanted to put on a porch but it looked like it may not be 20' from the property line. Mr. Foster stated that since the lot is already non-conforming, the Board does not necessarily like making it more non-conforming. Mr. Foster suggested that Mr. Andrews go back to the architect to see if he could adjust the plans to conform to the Zoning laws. Chairman Foster asked if there was any further business to discuss.

Mr. Bisio returned and asked about a changing the footprint at 11 Pine Bluff. He states the present house is 24 x 37 with a 5000 s.f. lot. He would like to increase it to 1504 s.f. The

maximum square footage is 1250 s.f. Then Mr. Foster asked him if all three parcels are listed under the same deed, then there would not be a problem as the lot is big enough. He was also going from a three bedroom to a two bedroom. Mr. Foster also asked him to check with the Conservation Commission to make sure that the pavers and gravel driveway are permeable enough as the law says that it can only be 25% of the total lot.

Chairman Foster asked if there was any further business.

Chairman Foster adjourned the meeting at 8:28 P.M.