

**Zoning Board of Appeals  
Lakeville, Massachusetts  
Minutes of Meeting  
January 16, 2014**

**Members present:**

Donald Foster, Chair; David Curtis, Vice-chair; Eric Levitt, Member; Joseph Urbanski, Associate Member; Janice Swanson, Associate Member; Jim Gouveia, Associate Member

**Regular Meeting:**

Mr. Foster opened the regular meeting at 7:05 p.m.

Roll called. Bills signed. Mr. Foster advised that in accordance with the Open Meeting Law he was announcing publicly that he and the secretary were making an audio recording of the meeting, and that LakeCam was making a video recording.

Mr. Curtis made the motion, seconded by Mr. Gouveia, to approve the Minutes of the October 17, 2013, meeting. The **vote** was **unanimous for**.

Mr. Curtis made the motion, seconded by Mr. Urbanski, to approve the Minutes of the November 21, 2013, meeting.

**VOTE:** Mr. Curtis, Mr. Urbanski, Ms. Swanson, Mr. Gouveia, Mr. Foster – **AYE**  
Mr. Levitt – **ABSTAIN**

Mr. Urbanski made the motion to approve the Minutes of the December 19, 2013, meeting. Mr. Curtis noted that the abutter named should be Walter Hotz not Walter Clark. Mr. Urbanski then revised his motion with that correction. Mr. Curtis seconded the motion.

**VOTE:** Mr. Curtis, Mr. Urbanski, Mr. Gouveia, Mr. Foster – **AYE**  
Mr. Levitt, Ms. Swanson – **ABSTAIN**

**Lakeville Christian Fellowship hearing, 1 Wind Rush Hollow:**

Mr. Foster opened the Lakeville Christian Fellowship hearing at 7:15 and read aloud the legal ad. They were requesting to place a sign less than 30 feet from the side property lines. Mr. Foster then read the January 7, 2014, letter from Nathan Darling, the Building Commissioner. He did not see any issues with granting the Variance. The January 15, 2014, letter from the Planning Board indicated that it had been unanimously voted to recommend approval of the petition. Mr. Foster also read the January 14, 2014, letter

from the Conservation Commission. There were no Conservation issues with the petition.

Mr. Foster then asked if there were any further questions. No one spoke. Mr. Foster stated this was a large lot. Why had the parcel been divided in this way? Mr. Casieri replied that this was Lot 13 of Great Cedar Crossing. The way they had provided frontage was on the side street of Great Cedar. That is really the driveway but that is the only frontage to Howland Road.

Mr. Foster then asked if anyone present would like to speak for or against the petition. No one spoke. He advised that technically a Variance is supposed to provide relief for a physical deficiency in the land, such as ledge, wetlands, a drop off, etc. That is the wording of the bylaw. That is not what they have here but this occurred due to the engineering and the layout of the property many years ago. He felt that given the circumstances and that one of the criteria of a Variance is that it be no more harmful than if they were to deny the request. He could not see any harm in the sign whatsoever.

Mr. Levitt then made the motion, seconded by Mr. Curtis, to approve the petition and grant the Variance. The **vote** was **unanimous for**.

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

The hearing closed at 7:21.

#### **Marzelli hearing, 7 Pine Bluff:**

Mr. Foster opened the Marzelli hearing at 7:22 and read aloud the legal ad. Mr. Foster then read the January 9, 2014, letter from Nathan Darling, the Building Commissioner. Mr. Darling did not feel the project would intensify the nonconformity, and he would be willing to issue the Building Permit based on the exception in the Zoning By-Law, Section 6.1.3a. The January 15, 2014, letter from the Planning Board stated that they had no concerns with the petition. An email from Mr. Perry, the Health Inspector, stated that he saw no health issues with the petition, provided the new dwelling did not exceed two bedrooms and the new footprint did not change from what had been presented.

Mr. David Davignon, Project Engineer, addressed the Board. He advised that the property was 32,580 square feet and an odd shaped lot. It has multiple paper streets running through it. They propose to tear down the 1920's circa house and build a new home in the same general location. They will hold the southeast location of the house in the same spot as the closest point to the abutter's property which is 17.6 feet. The house will be the same exact length.

Mr. Foster asked if they will reuse the foundation. Mr. Davignon replied that they will tear that out. They propose a walk out basement on the water side with the same grade. The house will be the same depth from front to back, and the same width from south to

north, including the corner from the deck. They will be squaring off the L-shaped house. Mr. Foster asked how tall the house would be. Mr. Marzelli replied that it would be two stories. He did not think it would be taller. Mr. Davignon noted that roof line was higher but he did not know the answer to that question.

Mr. Foster stated that according to what he had read, the house appears to be doubling in living space. Was that correct? Mr. Davignon said that was correct but there were still just two bedrooms. Mr. Foster noted the utility room on the plan. He asked if that was for the water heater, etc. Mr. Davignon replied that it was. Mr. Foster said that when new houses are proposed that are larger, they look for rooms that look benign on a plan but could possibly be turned into bedrooms in the future. They do have to be extremely sensitive of properties that are on the water. Mr. Marzelli then explained how small the present house is.

Mr. Foster asked if they had anything to add. Mr. Davignon replied that it was a two bedroom, it had passed Title V, and it did have a water supply. The driveway will be extended but it is gravel. They also do have an Order of Conditions from the Conservation Commission.

Mr. Foster asked if there were any questions or comments from the Board. Mr. Curtis said that he did have a couple of concerns on the first floor. The first was there was unheated sunroom with a gas fireplace. He was not comfortable with that fireplace in there. The next was the computer room with the half bathroom. He felt that could very easily be turned into another bedroom. He suggested removing the wall and opening that up completely and rearranging the half bath. Mr. Marzelli said that he was not opposed to changing the design. Some ideas were then discussed. Mr. Marzelli noted that he thought there would be adequate storage in the kitchen so that he could reduce the size of the pantry which would eliminate a closet, so that he could change the access into the bathroom to be from the hallway.

Mr. Foster asked who would like to speak for or against the petition. Mr. Gary Thwing of 27 Twin Oaks had no opposition to the petition. Mr. Dennis Savas of 6 Pine Bluff also spoke. He had no opposition to the petition, but he wanted to speak in regard to the paper road. He felt that Beech Street which runs all the way to the water had just as much value as any other street. He wanted to make sure that there was no intention to have that blocked off. Mr. Foster replied that it appeared from all that had been presented, that the new dwelling would occupy the same space that the present house did. Mr. Davignon then clarified the layout of Beech Street.

Mr. Marzelli explained that when he started the process of this in 2008, the Board of Health had told him that the approved septic system that was within that layout had to be either moved or the road had to be extinguished. He then spent a considerable amount of money and time in Land Court in order to have this done. He also had paper work which documented that portion of Beech Street had indeed been extinguished. Mr. Savas replied that the only reason he had mentioned this was that Mr. Bob Mello, and he

indicated on the map where his property was, had also done research into this matter. He maintained access to the water, by Beech Street which increased the value of Mr. Mello's home as well as his own. Mr. Foster responded that it appeared that there was a Judgment, and the street had been extinguished by Land Court. Mr. Davignon added that this was handled by his firm and that it had taken several years for this Judgment to come down from Land Court. This is why the plan cuts Beech Street off as indicated. Mr. Savas said that he would speak with Mr. Mello as he knew that he had also had an attorney for this matter. Mr. Walter Hotz of 9 Pine Bluff then spoke. He advised he had no opposition to the petition.

Mr. Foster asked if there were any additional comments. Mr. Davignon stated that he wanted to make sure that it was noted that there was no intention to extend the gravel driveway within that portion of Beech Street. It was an extension of the existing driveway straight toward the house.

Mr. Curtis then made a motion, seconded by Ms. Swanson, to approve the petition with the following conditions.

1. The home will remain a two-bedroom home.
2. The main bathroom will be redesigned so that access to it is from the hallway.

The **vote** was **unanimous for**.

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

The hearing closed at 7:54.

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

Meeting adjourned at 7:55.