

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
June 19, 2014**

Members present:

Donald Foster, Chair; David Curtis, Vice-Chair; Joe Beneski, Clerk; Eric Levitt, Member; John Olivieri, Jr., Member; Joseph Urbanski, Associate Member; Jim Gouveia, Associate Member

Regular Meeting:

Mr. Foster opened the regular meeting at 7:07 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. LakeCam was making a video recording.

Mr. Foster advised that they had a couple of items to discuss before they opened their first hearing. Appointments would be needed for five members before July 31, 2014. That would be himself, Mr. Curtis, Mr. Gouveia, Mr. Urbanski, and Ms. Swanson. The members in attendance indicated that they did want to be reappointed.

Mr. Curtis made a motion, seconded by Mr. Urbanski, to approve the Minutes of the May 15, 2014, meeting.

VOTE: Mr. Curtis, Mr. Olivieri, Mr. Urbanski, Mr. Gouveia, Mr. Foster – **AYE**
Mr. Beneski, Mr. Levitt – **ABSTAIN**

LeBaron Residential LLC hearing, continued, M26-B3-L10:

Mr. Foster opened the LeBaron Residential LLC continued hearing at 7:15. He read aloud the June 19, 2014, letter from Mr. Robert Mather, representing LeBaron. Mr. Mather asked that the ZBA continue the LeBaron hearing to the July meeting or if an agreement is not reached between the two parties, the petition would be withdrawn.

Mr. Curtis made a motion to continue the LeBaron hearing to June 19, 2014, seconded by Mr. Beneski. There was no further discussion. The **vote** was **unanimous for**.

The hearing closed at 7:16.

RPI Blueberry LLC hearing, M26-B3-L10:

Mr. Foster opened the RPI Blueberry LLC hearing at 7:16 and read the legal ad into the record. Mr. Phil Cordeiro, Engineer from Allen & Major Associates and Mr. Marc and Brett Levy were all present. Mr. Cordeiro advised that the property known as Blueberry Estates was granted a Special Permit 1983 by the Randjay Corporation allowing the adult apartment complex that is presently there. They are requesting permission to build a 1,400 square foot detached clubhouse on the Cicero Drive side of the property for the benefit of the residents. They did meet with Mr. Darling and a 1,400 square foot building falls directly in Building Department review as opposed to Site Plan Review. They did, however, meet informally with the Planning Board. It was agreed upon with Mr. Darling, the Planning Board, and Town Administrator that because there was an existing open Special Permit on the site; they would need to come in to request a modification to that Special Permit.

Mr. Cordeiro then advised that it was a 1,400 square foot clubhouse with a patio and deck off the back. They are proposing five parking spaces. It was just to be an informal meeting and gathering space. There will be a bathroom in it. They also meet with the Conservation Commission. It does fall within their jurisdiction and they have been issued an Order of Conditions. They met with the Board of Health and they do intend to file with them shortly.

Mr. Foster then read the May 28, 2014, letter from the Conservation Commission into the record. He also read the June 17, 2014, letter from Mr. Darling. Mr. Darling highlighted four zoning concerns that he had with the petition. Mr. Foster said they would discuss these points one by one.

1. 6.5.3.3 Parking Space Schedule

One per 400 sf of floor area (5 required/3 provided)

Regarding the first item, Mr. Foster noted that he thought the plan had indicated there were five spaces. Mr. Cordeiro replied that they did have three regular spaces and two accessible spaces for a total of five spaces. Mr. Foster was unsure why that would not have been seen by Mr. Darling.

2. 4.1.1 Residential Uses

Club House not specifically mentioned (Special Permit needed)

Mr. Foster advised that a clubhouse is not specifically mentioned but if you look at 4.1.1 it does say a private club not conducted for profit and not containing sleeping quarters for more than four persons. His interpretation is that it is mentioned in 4.1.1 and the only thing it says is that a Special Permit is required. There is no real restriction on it. He felt that the intended use of the clubhouse must conform to what is expected. Mr. Foster wanted it clarified that this was for internal use only. They also consulted the plan to see how close the nearest abutter was to the proposed clubhouse. Mr. Cordeiro noted that the doors of the clubhouse are fronted toward the wetland and tree area. He would not

anticipate noise to be a real issue. Mr. Foster asked if the clubhouse would ever be rented out. Mr. Levy said that it was for the residents, and they want this to be a low intensity gathering spot. Mr. Foster noted that some years ago they did have some difficulties with Blueberry Estates and what they intended to do didn't happen. They had to come back here because there were some problems that the Board had to solve. Mr. Foster wanted to put these possibilities out now so that they could be discussed. Mr. Levy replied that they were willing to stipulate that the clubhouse would not be leased out. Mr. Foster asked who would be responsible for the facility. Mr. Levy responded it would be their property manager. Members then discussed the possibility of a resident committee as well as if that should be a possible condition. Mr. Levy noted that there is someone on call to handle any type of situation that might come up on the property.

Mr. Foster asked if there would be bathrooms. Mr. Levy said that there would be. There would be a pot luck type kitchen, meaning no stove but counters with a microwave and sink.

3. 6.7.2 Site Plan Review Procedure for Business or Industrial
Required for new construction over 1500 sf of floor area

This had been previously discussed by Mr. Cordeiro.

4. Special Permit dated September 19, 1983 Conditions and Restrictions
A. 7. Buffer Zone, Green Belt at least 50 feet from abutters
Zoning Summary Chart on sheet C-1 proposes 40 ft. (possible error on chart)

Regarding this Mr. Beneski noted that what was in the chart was not what was indicated on the plan. Mr. Cordeiro replied that it appears that the notation should be greater than 40 feet. They are approximately 100 feet from the nearest property line. The dimensions on the sheet C1 plan are to the wetland area that delineated from the property. They are 52 feet from the wetland line which extends another 30-40 feet before it intersects with another property. It looks as if the greater than symbol was missed on the table.

B. 12. Deviations from the July 28, 1983 will result in voiding this permit.
This should be clarified in the new Special Permit if granted.

Mr. Foster felt that if this petition was granted, they could just make this a restriction.

Mr. Foster asked what was required for sprinklers for fire safety. Mr. Cordeiro replied greater than 7,000 square feet. There would be an extinguisher and a fire alarm. Mr. Foster asked if they had a security system. Mr. Cordeiro advised that they had talked about operating hours but a security system had not been discussed. There is a buzzer system in the other buildings.

Mr. Foster said that he did not have any further questions. He felt that this would be an asset to the community. Mr. Levitt stated that he also had no concerns with the petition.

Other members had no additional questions. An abutter present also was supportive of the petition.

Mr. Olivieri then made the motion, seconded by Mr. Curtis, to approve the petition and modify the Special Permit to include a 1,400 square foot clubhouse with a deck up to 400 square feet. After discussion it was agreed that the condition would be that nothing in this Special Permit overwrites or negates any restrictions or conditions in any previous Special Permits. The **vote** was **unanimous for**.

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

The hearing closed at 7:53.

Mr. Foster adjourned the meeting at 7:53.