

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

**Members present:**

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

**Others present:**

Rita Garbitt, Town Administrator; Nancy Yeatts and Derek Maksy, Board of Selectmen; Robert Iafrate, Building Inspector

**Regular Meeting:**

Mr. Foster opened the regular meeting at 7:10 p.m.

Roll called. Bills signed.

**Town of Lakeville hearing, Rhode Island Road, M60-B8-L19:**

Mr. Foster opened the Town of Lakeville hearing at 7:15 and read aloud the legal notice. He advised that because a Variance was requested they would be focusing on the language of Lakeville's bylaw which stated that they could only consider issues related to hardship caused by topography, geology, or some issue with the land.

Mr. Ben Levesque of Camp, Dresser, & McKee Inc., (CDM) then began the presentation. He advised that currently the Town of Lakeville is supplied water by the City of Taunton and their pressure is generated by the whim of Taunton's pumps. When those pumps go down, there is a drop in pressure which is a risk to fire protection as well as to overall water use. A key component of creating a high service area is that you need a pump station to take water from the Taunton system to get it to your system and you need a water tower to provide pressure, fire protection, and storage. An evaluation of northern Lakeville was done where they tried to identify suitable locations and several sites were considered for the location of the water tower. Two of the main criteria were that it had to be in close proximity to the existing distribution system and that they had to find a naturally high topographic spot so they would not have to build the tower as high. The site that was chosen was on the Town Landfill property and it is off of Kenneth Welch Drive.

Mr. Levesque said that they do need a Special Permit because of the height of the tower and also a Variance. They did their best to try to meet the intent of the Zoning. They are 135 feet off of the front property line and 85 feet off the side property line. They also wanted to try to avoid any impacts to the landfill drainage and proximity to steep slopes on the site. As the tank moves onto lower elevations, the height would increase which would require a greater setback. This selected location is away from the residential area and also avoids construction on the steep slopes. Mr. Foster clarified that the hardship in positioning the tower would be if it was moved further away it would be on a slope that would make it difficult or impossible as a location. Mr. Levesque responded that it would also impact the drainage for the landfill which they did not want to affect.

Mr. Levesque said he also wanted to speak to the question of tank failures. He has spoken to the manufacturer and been advised that these tanks are not constructed differently than a telecommunication tower. There are no known cases of this type of tank failing and falling. However, physics would dictate that if the pedestal were to fail, the weight of the bowl would result in it falling downward, instead of outward like a monopole. Mr. Foster then asked what material it was constructed of. Mr. Levesque replied that the pedestal is concrete and the top is glass lined steel. The water is contained only in the top piece. Mr. Beneski asked why this particular model was chosen. Ms. Yeatts responded that the concrete is maintenance free. This model was also less expensive and could be expanded if necessary.

Mr. Foster asked if anyone present had any questions for the engineer. Ms. Kerry King, of 2 Lois Lane, asked what the top part was made out of. Mr. Levesque replied that was the glass lined steel. This one was white but it could be any color. Mr. Foster asked what the process would be for these types of aesthetic questions. Ms. Yeatts said that they had not really gotten to the color scheme yet but they wanted to go with what would be most cost effective.

Mr. Terry Jones of 8 Elders Pond asked what the cost of the total project and the expected return would be. Ms. Yeatts replied that the cost of the total project, which included more than just the tower, is \$4.8 million dollars. However, in the future, this will put Lakeville in control of its own water. This will be an assured source of revenue for Lakeville. Mr. Foster noted that this hearing was not to discuss the economic viability of the project but was to address the zoning issues. Although these were good questions, this was not the right forum. Ms. Yeatts stated that this was passed at Town Meeting by the residents of the Town of Lakeville as the direction that they wanted the Town to go in.

Selectmen Maksy said that in regard to the color, it had not been decided but he would hope that the Board would look at the most discreet color that could be chosen for that site. Ms. Kerry Flynn of Elders Pond asked what type of security would be around this tower. Mr. Levesque said that there would be a fence around it and the City of Taunton is requiring at least two sets of cameras and a break-in alarm that would be tied into their computer system. The Taunton system is manned 24/7. Mr. Foster said that he would

like to pass that item onto the Selectmen to make sure that security at this site is on their agenda to discuss and consider.

Mr. Foster said that he did have a June 25, 2009, memo from the Building Commissioner. He advised that he was not going to read it but that it did outline the reasons and rational for the application. He then read the July 16, 2009, letter from the Board of Health. They were in favor of the construction as there were no health issues. Mr. Foster read the July 10, 2009, letter from the Board of Selectmen. They were in support of the petition. The July 7, 2009, letter from the Conservation Commission advised that there were no apparent Conservation Commission issues with the proposal but the applicant must file with National Heritage.

Mr. Foster stated that unless there were any other comments or questions from those present, the first thing the Board was faced with was to consider the application for Special Permit, which was for a tower over 45 feet tall. One of the issues to note is they do not meet the setbacks because of the topography of the land is constrained. They need the industrial setback but they do not have the fall radius on one side which he believed was toward the Talbot's side. Mr. Foster noted that if the tower were to fall, even though they have been assured that none has ever fallen, it would not hit a residential property. On one side would be the dump; on another side would be a drainage pond, vacant land on another, and possibly Kenneth Welch Drive for the fourth side. There was further discussion regarding the fall radius.

Mr. Foster then asked Ms. Zimmerman to participate in the vote. Mr. Curtis made the motion, seconded by Mr. Beneski, to approve the Special Permit for the petition. The **vote was unanimous for.**

Mr. Foster advised that the next thing to consider on the petition was the Variance. This was for intrusion into the setback. The need for the Variance is because of the shape and contour of the land immediately adjacent to where the tower is and that is partly caused by the construction of the landfill and the drainage basin that is right next to it.

Mr. Beneski made the motion, seconded by Mr. Curtis, to approve the Variance for the petition. The **vote was unanimous for.**

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

The hearing closed at 7:50.

#### **Town of Lakeville hearing, 8 Montgomery Street:**

Mr. Foster opened the Town of Lakeville hearing at 7:51 and read aloud the legal ad. Mr. Foster said he understood that they have been able to relocate the pumping station so that

it does not intrude into the setback and that a Variance or Special Permit was not needed. Ms. Yeatts responded that was correct.

Mr. Foster stated that there were people present who had questions so before they accepted the request to withdraw, it was a good time to discuss these issues. Ms. Kerry Quinn asked how big the pumping station would be and far back it would be located. Mr. Levesque replied that it was 28' x 24' and that it would be 40' off the front side of the fence of the DPW yard. It was also asked what material the pumping station would be constructed of. Mr. Levesque said that it was up to the Town but it would probably be a brick exterior.

Mr. Foster asked how many pumps there would be. Mr. Levesque replied that there would be three. Two would be running and one would be a back up. Ms. Quinn asked if there would be a lot of noise. Mr. Levesque said that it would generally be quiet, but you might hear something if the generator was being used. Mr. Foster asked if there were any further questions. There were none.

Ms. Yeatts then said she would like to withdraw the petition on behalf of the Town of Lakeville without prejudice, as they have met the setback requirement.

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

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

Meeting adjourned at 8:05.