

**Zoning Board of Appeals  
Lakeville, Massachusetts  
Minutes of Meeting  
July 18, 2013**

**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 was making an audio recording of the meeting. He advised that the secretary was also making a recording. Mr. Foster stated that they had three items on their agenda this evening. The first was the continued Pidgeon hearing and the second was their consideration of an extension to the Wetherell Special Permit. This property was located at 1 Fern Avenue. The last item would be a discussion of the Board of Health's initiative to update the regulations concerning conversions of seasonal properties to year round.

Mr. Foster advised that as they could not open the Pidgeon hearing until 7:15, he would like to begin discussion on the extension of the Wetherell Special Permit. He understood from Mr. Perry that Mr. Wetherell had applied for his permits and was making progress installing a septic system. Mr. Wetherell's attorney was present. He advised that was correct. The Town had issued all the permits and the contractor's equipment was on site. The next step would be putting facilities in the building. Mr. Foster asked how long he expected it would be before everything was completed. He was unsure but replied that hopefully it would be within one year.

Mr. Foster stated that he would be in favor of granting an extension of the Special Permit. The question would be for how long. Mr. Perry had suggested a month, but he felt that they could go into 2014. He then asked what Board members felt. Atty. Norris advised that the last time they were in front of them was in February. They would like a year but would be agreeable to whatever the Board decided. Mr. Curtis thought February was reasonable. Mr. Urbanski and Ms. Swanson agreed.

Mr. Foster said they did have a suggestion to extend the Permit to February. He would recommend that they extend it to the date of their February meeting. If they had no hearings in February, the extension would run until their next scheduled meeting. Atty. Norris asked that they could be notified of the meeting date. Mr. Foster advised that the

date of the meeting would be February 20, 2014, and the next scheduled meeting after that would be March 20, 2014. Mr. Foster then asked for a motion.

Mr. Curtis made the motion to extend the Wetherell Special Permit to February 20, 2014. If there was no business in February, the date would be March 20, 2014. Mr. Urbanski seconded the motion. The **vote** was **unanimous for**.

### **Pidgeon hearing, 109 Hemlock Shore Road:**

Mr. Foster reopened the Pidgeon hearing at 7:15. He also reread the legal ad into the record, as last month they had opened the hearing and immediately continued it. Mr. Pidgeon was present. Mr. Foster asked why he wanted to put a garage within the setback. Mr. Pidgeon replied that it would be accessible to the driveway that was already in place and the house. There are other structures on the property such as a shed, and also because of the location of the septic system. Mr. Foster then read the definition of a Variance, Section 8.2.2 of the bylaws. He noted that a Variance was only permitted when there were circumstances caused by a deficiency in the property such as wetlands, ledge, a precipice, etc. He did not see anything like this in the land that would compel the Board to allow a Variance. Mr. Foster said that he understood that Mr. Pidgeon did have some other issues with the Board of Health that had to be taken care of. He would recommend that he explore other options with Mr. Pink, his engineer as well.

Mr. Foster suggested that Mr. Pidgeon continue the hearing until he could satisfy the Board of Health, and also work with Mr. Pink to come up with an alternate plan. Mr. Foster advised that they were not meeting in August and suggested that they continue until September.

Ms. Swanson then made the motion, seconded by Mr. Gouveia, to continue the hearing until September 19, 2013. The time would be at 7:15. The **vote** was **unanimous for**.

The hearing closed at 7:25.

The final item on the agenda was the seasonal to year round regulations. Mr. Foster then read the Board of Health's June 18, 2013, memo into the record. He advised that this has been approved but he was unsure if it also had to be approved at Town Meeting to become a bylaw.

Mr. Foster asked what was required before the Building Inspector issues an Occupancy Permit. Ms. Swanson replied that there is a checklist of minimum requirements that have to be met. Mr. Foster felt that the Board should recommend that the Building Inspector should have to sign off on a minimum amount of requirements. He felt that there should be safety requirements such as a second egress, insulation, and some source of heat other than a wood burning stove or fireplace. Mr. Foster asked members if they had any other suggestions they could recommend to the Board of Health. Members then continued to discuss involving the Building Inspector in the conversion process.

Ms. Swanson then asked if people with restrictions would have the ability to come back and have them removed. Mr. Foster replied that the Board can remove or change any restriction that they have put on a property. Mr. Foster then recommended that the Board authorize him to write a memo to Mr. Garvey with their suggestion. This would be that part of the seasonal process incorporates an inspection by the Building Inspector to assure that the building meets safety and heating requirements that may be imposed on a newer home. Mr. Foster then asked for a motion.

Mr. Levitt then made that motion. It was seconded by Mr. Curtis. The **vote** was **unanimous for**.

Mr. Curtis then made the motion, seconded by Mr. Levitt, to approve the Minutes from the June 20, 2013, meeting. The **vote** was **unanimous for**.

Mr. Curtis then made the **motion**, seconded by Mr. Levitt, to adjourn the meeting. The **vote** was **unanimous for**. Meeting adjourned at 7:50.