

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
October 28, 2009**

Members present:

Donald Foster, Chair; David Curtis, Vice-chair; John Veary; Clerk, Joseph Beneski, Member; Eric Levitt, Member; John Oliveiri, Jr., Associate Member; Carol Zimmerman, Associate Member; Joseph Urbanski, Associate Member

David Varga, BSC Engineering; Frank Will, Thomas Reed, Michael Mattos, and Edward Fish were also present

Regular Meeting:

Mr. Foster opened the meeting at 7:00. He advised that their primary goal tonight was LeBaron business, and they would be reviewing Dave Varga's punch list of what he felt was some relatively minor issues. They needed to complete this so that Mr. Iafrate could then issue occupancy permits. Mr. Foster then asked what was the status of the DEP inspection for the waste water treatment plant. Mr. Reed responded that it had passed and a letter was then submitted for the record. Mr. Foster then asked Mr. Varga to begin his review of the punch list.

Mr. Varga asked if there was to be a November meeting. Mr. Foster replied that at this time there would not be as there was not any pending business. Mr. Varga then asked how the Board could act on the final inspection. Mr. Foster said that they could handle it in two ways. One would be to schedule a meeting to review the final inspection and then vote or he could be authorized to speak for the Board, which he felt was the preferred way. Mr. Varga advised that the other issue that needed clarification was if there were a number of items on the punch list was there some type of security regarding their completion? Mr. Reed said that they own this project and they are not going to pay any subcontractors that have not finished their work. He would like to suggest that a certain amount of money or bond be held to ensure the work was completed but he was open to any recommendation of the Board.

Mr. Foster responded that they were only partly done with a large project. He did not feel that they needed to have a bond but it was sufficient to say that they would not approve the next phase if this phase did not meet with their approval. They want to retain some leverage but they do have some faith and trust that the developer will do what they need to do in order to get to the next step. He asked Board members what they thought. Board members were in agreement with that solution. Mr. Foster clarified what that meant for those present. They trust LeBaron to get the job done and if it's not done, they don't go any further with their approvals for the next phase of the project.

Mr. Varga then began the following review of the punch list:

- The first item he started with was the basin on the right which he indicated on the plan. There are erosion control mats on the side but there are large areas that do not have any germination. He noted that in erosion control terminology soils are considered stabilized when there is 75% germination of grass growing to hold the soil in place. He will use the term stabilized or not stabilized to refer to the amount of grass that is actually growing.
- Need loam and seed on the slope above the right basin. The slope was stabilized during the summer with tailings and there were no obvious indications of erosion. He was unsure of if maybe in the long term of five to eight years you will start to get some vegetation there.
- The finish pavement presently ends at the end of the LeBaron Town House units and there is only binder beyond that.
- There is no modified Cape Cod curb. A raised pavement section is called for at the edge. The design plan calls for a finished reveal of four inches. This is important for a better defined line for drainage as well as plow resistance.
- The last three of the LeBaron Phase I catch basins need to be cleaned. There are 18 to 24 inches of sediment in them. He felt that might be able to wait until spring time but that all the basins should be checked and cleaned. Mr. Foster asked, in the long run, who would be responsible for maintaining the catch basins. Mr. Reed replied that it would be the Condo Association.
- The trench cuts for the utilities across the roadway at the end of the right basin need to be dug out and filled with binder before the placement of the top pavement course.
- The catch basins at the low point in the roadway at the right basin have four and ten inches of sediment. This needs to be monitored. These also have no hoods and Mr. Varga recommended that they be installed.
- They are planning on placing a ten foot width of sod on both sides of the roadway. This entails, on the east side, ten feet from the travel way and on the west side ten feet from the sidewalk.
- The sidewalk thickness needs to be confirmed. It should be 1-inch binder and 1-inch top course.
- The grading around the soil absorption system is still incomplete. He understood that it was to be revised. Mr. Reed advised that after an inspection the DEP requested that they make some modifications to the grading that is out there

which they are planning to do. Mr. Varga said that he was comfortable with the concept presented to him but he would like to see the grading plans.

- The trench cut across the roadway at the hydrant needs to be dug out and filled with binder before the placement of the top pavement course.
- The plans call for a gravel driveway access to the wastewater treatment plant.
- The SMH frame needs to be mortared in place to the barrel of the structure. There might be some final adjustments that have to be made, but he would recommend that even on a temporary basis this be sealed so that you are not letting any rainwater or vandals in.
- The trench cut across the roadway at building corner and at end building corner needs to be dug out and filled with binder before placement of top pavement course.
- The roadway needs to be cleaned before paving.
- Loam needs to be brought up to grade of concrete sidewalks around building. This has been done at some of the areas but not all.
- There are various repairs to the edges of parking pavement and roadway pavement that are required.
- The rear basin needs a check of grade of embankment. He is requesting an As-built which he hopes will answer that question.
- The connecting pipe from far fore bay to the rear basin needs to be confirmed.
- An As-built survey plan of site grading and utilities is required.

Mr. Beneski asked if the Board should be getting updated copies periodically if there are major changes. Mr. Foster replied that any major change would require a return to the Board. He was comfortable if Mr. Varga got copies of any minor changes and that at the end of this phase the Board receive a set of the As-builts. Mr. Foster felt that all the items discussed were minor fine tuning. As they had a period of two weeks before people moved in, they had the opportunity to have Mr. Varga come back if needed. He would then suggest that the Board authorize him to speak on behalf of them and consult with Mr. Varga in order to give approval to Mr. Iafrate to issue the occupancy permits. Mr. Foster asked if there were any other comments or questions. There were none.

Mr. Curtis then made the motion, seconded by Mr. Veary, to authorize Mr. Foster to speak on behalf of the Board in consultation with Mr. Varga. The **vote was unanimous for.**

Mr. George Pedranti then approached the Board. Mr. Iafrate had asked that he come to the Board and clarify that this was the plan that they had seen when they took action on the DeMoura petition in June. Mr. Foster advised that some months ago they had approved this petition which entailed demolishing three structures and constructing a new dwelling. It also required the combining of two lots which Mr. Pedranti said had been done prior to the approval of the petition. Mr. Foster then read the findings of the Decision into the record.

Mr. Beneski asked what was done concerning the easement as he had not been present at this meeting. Mr. Foster said that their understanding was that the granting of an easement was the purview of the Board of Health and it was not part of their deliberations. Mr. Paul Spurling was also present. He advised that the issue of the easement had been discussed at the May 21, 2009, meeting and that they had to weigh the many problems of the site such as the brook, the water, and the land separation of the shared system. The Board had said that if they received DEP approval, that would be weighed in their final decision. Then at the June 18, 2009, meeting all that information was conveyed, all the changes were made, and the Planning Board secretary was brought in to update the Board on one of their questions. After that the Board deliberated and voted to approve. Mr. Foster said that was correct and now the question was did they vote incorrectly as the size of the lot has been reduced by the septic system. Mr. Foster then looked at the plan and noted that it was the one that the Board had taken action on. Mr. Spurling asked if they could sign the plan and return it to Mr. Iafrate. Mr. Foster said that it is possible that an error was made when this was approved but he would speak to the Building Inspector regarding it.

The Board then reviewed outstanding Minutes. Mr. Curtis made the motion, seconded by Mr. Oliveiri, to approve the Minutes of the May 21, 2009 meeting.

VOTE - Mr. Curtis, Mr. Beneski, Mr. Levitt, Mr. Oliveiri, Ms. Zimmerman,
Mr. Urbanski, Mr. Foster - **AYE**
Mr. Veary - **ABSTAIN**

Mr. Curtis made the motion, seconded by Mr. Oliveiri, to approve the Minutes of the June 18, 2009 meeting.

VOTE - Mr. Curtis, Mr. Levitt, Mr. Oliveiri, Ms. Zimmerman, Mr. Urbanski,
Mr. Foster - **AYE**
Mr. Veary, Mr. Beneski - **ABSTAIN**

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

Meeting adjourned at 8:05.