

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
February 18, 2010**

Members present:

Donald Foster, Chair; David Curtis, Vice-chair; Eric Levitt, Member; John Olivieri, Jr., Associate Member; Joseph Urbanski, Associate Member

Regular Meeting:

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

Roll called. Bills signed.

Mr. Olivieri made a motion, seconded by Mr. Curtis, to approve the August 20, 2009, Minutes of the Meeting. The **vote** was **unanimous for**.

Mr. Foster advised that because five members were present, all would participate in the hearings.

Green hearing, 46 Shore Avenue – continued:

Mr. Foster opened the continued Green at 7:15. He advised that he had received an email from the Selectmen's office and they had not yet had a chance to review these plans. Mr. Green responded that they had not yet been put on the agenda. Mr. Foster reviewed that the Greens had submitted new, revised and scaled down plans. The Zoning Board had requested that these plans be reviewed by the other Town Boards, as they continue to have problems with Boards reviewing and commenting on different plans and conceptions. He felt that it was prudent to wait until they had received comments and materials from the other Boards.

Mr. Paul Stringham, consultant for the Greens, then approached the Board. He advised that he came in to assist them after the last meeting. He then looked at the documents and comments and the needs of the Greens and came up with a new set of plans. They chose to modify the accessory porches and patio decks and reduce the roof pitch. It should be clear that they are not creating any living space. In the existing roof, there is no storage space and there is no basement. The purpose and intent of having the attic space is for limited access and storage. It does not provide for any further expansion. The other Boards have also been assured of this.

Mr. Foster said there is always a concern for property that is right on the water as well as lot coverage. Mr. Stringham replied that the existing coverage is 13.97% and with the proposed plan it increases to 15.41%.

After further discussion, Mr. Foster repeated that it was his preference to wait and review materials from the other Town Boards before the Zoning Board made a decision. Mr. Stringham felt that the issues had been addressed and that it would be possible to make a decision this evening. Mr. Foster replied that he would be within his rights to advise his Board to reject this petition because they did not have all the evidence required. They had a lot of hearsay but they did not have everything they needed. He did not feel there was a problem with it but that they should wait. The Greens said that they were agreeable to continuing for one month.

Mr. Curtis made the motion, seconded by Mr. Olivieri, to continue the Green hearing until March 18, 2010. The time would be at 7:15. The **vote was unanimous for.**

The hearing closed at 7:40.

Gonsalves hearing, 28 Central Avenue – continued:

Mr. Foster opened the continued Gonsalves hearing at 7:40. He read the February 8, 2010, letter from Mr. Bob Whalen into the record. He had requested a continuance until April as they needed the ground to be thawed so that a septic as built plan could be done as part of the Title V inspection.

Mr. Curtis made the motion, seconded by Mr. Levitt, to continue the Gonsalves hearing until April 15, 2010. The time would be at 7:15.

The hearing closed at 7:41.

KCLS Construction Holding Co LLC hearing, 23 Commercial Drive :

Mr. Foster opened the KCLS Construction Holding Co LLC hearing at 7:42 and read aloud the legal ad. Mr. Foster advised that this was for the wastewater treatment plant for Kensington Court, by the Train Station, which was approximately four inches within the setback. He then asked if there was anyone present who was a neighbor or abutter to the property that would like to speak. None spoke.

Mr. Foster advised that as they consider this request for a Variance, this building has already been built. He would encourage the Board to adopt the posture that they have in similar situations and consider the request as if they were asking to do this for building the structure.

Atty. Freeman was present and submitted for the record a letter that outlined the reasons required for the requested Variance. He asked members to look at the site plan. If you look to the right of the building you will see the wetlands line and if you look to the left is the detention basin. As he explained these areas, he noted that there was very little room to be able to locate the building. They have made every effort to protect the wetlands and there was no room to move the detention basin so the building had to be located as far away as possible which brought it up virtually to the 40 foot line. The way the building is constructed with some pre-built components and then the modular building put up around it, it was done to be put at that line. The need for the Variance was due to the unique soil conditions, the wetlands, and the topography of the land which required the building to be put where it was.

Mr. Foster noted that this actually put the building closer to the train tracks. In his opinion, he did not feel it was a problem. He asked members if there were any questions or concerns. There were none.

Mr. Olivieri then made the motion, seconded by Mr. Curtis, to approve the petition.

The vote was **unanimous for**.

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

The hearing closed at 7:50.

Mr. Foster advised that Mr. Marot had sent the Board a communication regarding Special Permits and Variances which he then read into the record. In Mr. Marot's opinion, an alteration to a non-conforming structure should be considered as a Special Permit and then additionally as a Variance. After discussion among the Board, Mr. Foster stated that he would have a dialog with Mr. Marot to further discuss this. If they did implement something like this, they would have to also have a conversation with Town Counsel

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

Meeting adjourned at 8:00.