

**Zoning Board of Appeals  
Lakeville, Massachusetts  
Minutes of Meeting  
February 19, 2009**

**Members present:**

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

**Regular Meeting:**

Mr. Foster opened the regular meeting at 7:04 p.m.

Roll called. Bills signed.

Mr. Foster read the December 23, 2008 letter from Chappa into the record which was an update on the Woods Edge project. Mr. Beneski asked if a property was an affordable unit, was it resold as an affordable unit. Mr. Foster replied that it is in the Comprehensive Permit that an affordable unit must be put on the market as an affordable unit. If, however, it is not sold after a certain amount of time, it can be sold at the market rate and the excess amount over the affordable rate has to be sent to the Town. Mr. Beneski questioned if the unit went back on the market if it would return to affordable. Mr. Foster was unsure what the language in the Permit was. Mr. Beneski felt that there was a lack of communication between Town Boards and that he would like to contact who in the staff would get any of this information and if it was pursuant to anything like this, the Zoning Board should be notified.

Regarding the Minutes from the December 18, 2008 meeting, Mr. Curtis advised that on page 3, the vote should indicate that he abstained from the vote.

Mr. Beneski made the motion, seconded by Ms. Zimmerman, to amend the Minutes of the December 18, 2008, meeting. The **vote** was **unanimous for**.

Mr. Curtis made the motion, seconded by Mr. Beneski, to approve the amended Minutes of the December 18, 2008, meeting. The **vote** was **unanimous for**.

**Marzelli hearing, 7 Pine Bluff Road – continued:**

Mr. Foster opened the continued Marzelli hearing at 7:15. He read the February 17, 2009, correspondence from Atty. Mather into the record. Atty. Mather requested the

hearing be continued until the April meeting due to ongoing issues with the Board of Health.

Mr. Curtis made the motion, seconded by Ms. Zimmerman, to continue the Marzelli hearing until April 16, 2009. The time would be at 7:15. The **vote** was **unanimous for**.

The hearing closed at 7:17.

#### **Smith hearing, 325 Pond Lane - continued**

Mr. Foster opened the continued Smith hearing at 7:17. He read the February 18, 2009, letter from the contractor into the record. The letter requested a continuance until the March meeting.

Mr. Curtis made the motion, seconded by Ms. Zimmerman, to continue the Smith hearing until March 19, 2009. The time would be at 7:15. The **vote** was **unanimous for**.

The hearing closed at 7:18.

#### **LeBaron Residential LLC hearing – continued:**

Mr. Foster opened the continued LeBaron Residential LLC hearing at 7:18. He read the February 17, 2009, letter from Atty. Mather into the record. Atty. Mather requested the hearing be continued until the March meeting so that they could resolve some issues with the property owners.

Mr. Curtis made the motion, seconded by Mr. Levitt, to continue the LeBaron Residential LLC hearing until March 19, 2009. The time would be at 7:15. The **vote** was **unanimous for**.

The hearing closed at 7:18.

#### **Saia hearing, 4 Fuller Shores Road:**

Mr. Foster opened the Saia hearing at 7:18 and read the legal ad into the record. The engineer, Niles Zager from Outback Engineering was present for the petitioner. He advised that they would like to continue their hearing until the March 19<sup>th</sup> meeting as they also had some issues they needed to resolve.

Ms. Zimmerman made the motion, seconded by Mr. Curtis, to continue the Saia hearing until March 19, 2009. The time would be at 7:15. The **vote** was **unanimous for**.

The hearing closed at 7:20.

Mr. Curtis made the motion, seconded by Mr. Beneski, to approve the Minutes of the January 15, 2009, meeting.

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

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

Meeting adjourned at 7:22.