

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
October 20, 2022**

On October 20, 2022, the Zoning Board held a meeting at the Lakeville Public Library. The meeting was called to order by Vice-Chair Youngquist at 7:00 p.m. He asked if anyone present was recording the meeting. There was no response. LakeCam was making a video recording.

Members present:

Jeffrey Youngquist, Vice-Chair, acting as Chairman; Gerald Noble, Clerk; Christopher Campeau, Member; Christopher Sheedy, Associate

Others present:

Marc Resnick, Town Planner

Dixon hearing, continued – 36 Main Street

Mr. Youngquist said this is a continued hearing. Mr. Wayne Daugherty, maintenance manager of Pet Recess, was present. He advised this addition was not to house or board any more dogs. It was strictly a nap room to be used between 12 and 2 during the day when the dogs are there for daycare.

Mr. Youngquist noted they had received a revised plan. He asked for a motion to accept the plan as the Plan of Record. Mr. Noble made that motion. It was seconded by Mr. Campeau. The **vote** was **unanimous for**.

Mr. Youngquist asked Board members if they had any questions or comments. There were none. He asked if anyone in the audience had any questions or comments. There was no response.

Mr. Noble then made a motion, seconded by Mr. Campeau, to approve the Special Permit. The **vote** was **unanimous for**.

The hearing closed at 7:03.

Documents distributed for the hearing:

Application
Revised Plan-9-6-2022

Bennett hearing – 15 Summit Avenue

Mr. Youngquist opened the Bennett hearing and read the legal ad into the record. Mr. Bennett was present. He advised he was trying to build a new sunroom and was first told he had to have a Title

V done. He had that completed, and then submitted this application. He has spoken to his neighbors, who have no objection to the proposed project.

Mr. Youngquist then read comments from the Town Boards into the record. The October 7, 2022, letter from the Board of Health advised the proposed project did not encroach upon the existing septic so the Board of Health had no objection. The October 14, 2022, memo from the Planning Board had no comment regarding the petition. Mr. Youngquist asked members if they had any questions.

Mr. Campeau asked what the dimensions were for the existing porch. Mr. Bennett said as you walk out the door it is a small 4' x 6' area, the rest is a dirt patio. He then approached the Board and displayed the area on the Plan. Mr. Campeau asked what the setback was from Wisteria. Mr. Bennet replied it was 37 feet. The distance to Summit Avenue is the same. They are not moving any closer than the existing house. Mr. Youngquist asked if there were any comments from the public. There were none.

Mr. Sheedy made a motion, seconded by Mr. Noble, to approve the petition. The **vote** was **unanimous for**.

Ms. Murray explained the timing of the filings, the appeal period, etc.

The hearing closed at 7:10.

Documents distributed for the hearing:

- Legal ad
- Board of Health correspondence of October 7, 2022
- Planning Board memo of October 14, 2022
- Petition packet

Sena hearing – 103 Staples Shore Road

Mr. Youngquist opened the Sena hearing at 7:10 and read the legal ad into the record. Mr. Richard Rheume from Prime Engineering was present. He displayed the plan and explained the existing conditions. He advised the proposal was to essentially build the same size structure in the same location. They will leave the small porch in the front and paved blocks. They are going to remove the paved driveway and replace it with seashells to meet the impervious coverage criteria. The structure is currently in the Floodplain. They will bring it up out of the Floodplain and provide flood vents on all four sides. They will also comply with all current energy codes.

Mr. Rheume noted that this permit had been granted a few years ago, but because of the high cost of materials and poor availability during Covid, it was impractical to move forward. Currently, the material cost has decreased and are available. Mr. Youngquist then read comments from the Town Boards into the record. The October 7, 2022, letter from the Board of Health stated that because the septic system was to remain unchanged, the proposed dwelling will remain a three-bedroom dwelling, and if the number of rooms will not exceed eight, the existing system should be sufficient for the proposed dwelling. It must pass the required Title V inspection. Therefore, there is no reason to recommend denial due to public health issues. The October 14, 2022, memo

from the Planning Board had no comment regarding the petition. Mr. Youngquist asked members if they had any questions.

Mr. Noble asked if there were any differences between what was presented in 2020 versus today. Mr. Rheume said there were no differences. Mr. Sheedy asked how much additional height was needed to get out of the Floodplain. Mr. Rheume replied they were raising it approximately a foot and a half to bring it about one foot out of the Floodplain. Mr. Youngquist asked if there were any comments from the public. There were none.

Mr. Sheedy made a motion, seconded by Mr. Campeau, to accept the plan as submitted. The **vote** was **unanimous for**.

Mr. Noble made a motion, seconded by Mr. Campeau to approve the petition. The **vote** was **unanimous for**.

The hearing closed at 7:18.

Documents distributed for the hearing:

- Legal ad
- Board of Health correspondence of October 7, 2022
- Planning Board memo of October 14, 2022
- Petition packet

The Residences at LeBaron Hills, LLC, continued

Mr. Youngquist advised that he would recuse himself if there was any information to be heard, but this is just a continuance. He had an email from Mr. Mohammad Itani requesting to continue until November 3, 2022.

Mr. Noble made a motion, seconded by Mr. Sheedy to continue the Residences at LeBaron Hills, LLC hearing until November 3, 2022, at 7:00 p.m. The **vote** was **unanimous for**.

The hearing closed at 7:21.

North Bedford Crossing LLC – 109 Bedford Street

Mr. Youngquist opened the North Bedford Crossing LLC hearing at 7:21 and read the legal ad into the record. Mr. Youngquist advised the applicant that they only had four members present, and it was their option if they wanted to proceed with their presentation or continue the hearing. Atty. O'Shaughnessy, Counsel for the project proponent, stated they would proceed with their presentation. He advised he was present tonight on behalf of North Bedford Crossing LLC and with him was Jamie Bissonnette from Zenith Consulting Engineers. They are seeking a Comprehensive Permit to construct 20 units of housing at 109 Bedford Street. He advised the three jurisdictional requirements required which were: the need for a limited dividend requirement, control of the site, and a project eligibility letter from a subsidizing agency have all been satisfied.

He then displayed the plan. It consisted of approximately five acres with 95% of the site being uplands and a small portion of wetlands in the rear. There is presently a single-family residence in disrepair located on the site. It will be razed at the end of the project. The current conceptual plan calls for the construction of ten duplex style buildings for a total of 20 units. He explained the current design pushes everything forward and the units are staggered together. There will be an infiltration basin on the site with an on-site septic system that would be maintained and operated by the Condominium Association.

Atty. O'Shaughnessy advised that right now there would be 20 units, all with three bedrooms. However, he would like to note to the Board that the project proponent has had some conversations with some of the abutters and the feedback they are getting is that they would like to see this developed as a single-family residential project. He then displayed that concept plan. He advised it would be 12 single family residences with three bedrooms. It would be carved into 12 lots with each lot having its own septic system. The drainage would still be located in the rear of the project. The only significant difference would be the extension of the roadway. The houses are located on the northern side of the property because they have undeveloped lots there, and it would be less impactful to the neighbor on the south.

Atty. O'Shaughnessy asked for feedback and guidance from the Board and said that they were comfortable going forward with either design. Members then discussed the new plan. Atty. O'Shaughnessy said the units would be 1,400 to 1,800 square feet. Some of the units they are considering could have a bedroom on the first floor to accommodate an older couple looking to downsize. Mr. Youngquist then asked if anyone in the audience had any comments.

Mr. Charlie Hainley of 5 Paddock Hill Drive asked the setback to his property. Atty. O'Shaughnessy replied as they had not done any engineering yet, he could not give an accurate answer. Mr. Hainley then asked about the proposed shared septic system. Atty. O'Shaughnessy said that if this change is allowed, they would propose to subdivide the property into 12 lots each with their own system. Mr. Hainley said he would be concerned about water. It was discussed that there was Town water in the street, and there was enough supply. Mr. Resnick explained that applications would need to be made by the developer to the Board of Selectmen, who would set aside an allotment from the Town's allocation from Taunton. Atty. O'Shaughnessy stated they had applied to the Selectmen, but had not yet heard back.

Mr. Youngquist said the question becomes what do they want to see; 20 units and 10 duplexes or 12 single family homes. Atty. O'Shaughnessy said they were willing to make this change, and it seems from what they are hearing the neighbors would be more in favor of seeing the single-family homes. Mr. Hainley said there was language in the original plan concerning plantings and a fence. He would like to see a fence there.

Mr. Anthony Koroskenyi of 9 Paddock Hill Drive said they had been told because of the Town's zoning laws and the wetlands that nothing could be built in the rear. They were concerned about the loss of privacy, trees, and wildlife habitat. Although he said this proposal of 12 units is better than the original 20 units, that was still a lot of people to have in such a small area. This lot looks big, but it is not very wide. Mr. Koroskenyi said that he was very concerned about the water table and would like to see documentation that there is enough water for that amount of people. He would also like additional information regarding how these septic systems could affect his well.

He asked if this project does go forward that an eight-foot-tall privacy fence be installed along the length of it, that the lighting not be excessive, and that the trees are replaced.

Mr. Youngquist then read comments from the Town Boards into the record. The October 14, 2022, memo from the Planning Board recommended the affordable units be held in perpetuity as permanently affordable. The October 7, 2022, letter from the Board of Health stated that the soils on the lot were sufficient to sustain a septic system for the proposed 20 dwelling units, and the dwellings will be connected to municipal water eliminating the need for a well. Therefore, they had no objection to the proposed plan. There was a question from the audience if the developer was still on the Board of Health. It was noted that although he still is, he recuses himself.

The Board of Selectmen memo from October 18, 2022, had the following comments: every unit is located in the buffer zone, and is not 20 feet away from the adjacent lot lines, all porches and decks are within the buffer zone, the exterior design could be improved, the market analysis and condominium agreements were missing from the packet. The Select Board has also requested that at least two units with a first-floor bedroom be set aside for 55+ occupants and one should be an affordable unit. The October 19, 2022, email from the Conservation Agent stated there were significant wetland areas along the southwestern edge of the property. A Request for Determination of Applicability or Notice of Intent may be required with further examination.

Mr. Ned Niemiec of 113 Bedford Street stated the property line comes onto an established driveway. Would they be entitled to an easement or right of way? Mr. Youngquist suggested he consult an attorney. Mr. Joe Hamilton of 2 Surrey Drive clarified that the Board was waiving the standard building code for the Town. Mr. Youngquist replied that was part of the 40B and Comprehensive Permit process. Mr. Hamilton also noted that they have shallow wells in this area. Mr. Youngquist said part of that process would be the applicant getting water from the Taunton water supply.

Mr. Bill Kenney of 3 Surrey Drive wanted to state for the record that Zoning regulations and bylaws exist for reasons of safety and for the safety of drinking water. Is there anything the Board can do to protect the Town and townspeople? Mr. Youngquist reiterated it was the developer's responsibility to provide water to the proposed project. Mr. Kenney said that discharge of wastewater to an aquifer that could be struggling at times could cause issues with off site sources. Mr. Youngquist replied that would be a Board of Health issue.

Mr. Youngquist then asked the Board if they would rather see the 20 units with the 10 duplex units or the 12 single family homes. Mr. Noble preferred the 12 single family home option. However, he would want to make sure that any new plan was redistributed to all the Boards for comment and review. Mr. Sheedy agreed it was a better fit for the property. Mr. Youngquist asked if a vote of the Board was needed to give the developer guidance. Mr. Resnick said it was pretty clear based on the comments from the public and Board. Mr. Youngquist agreed the Board would rather go with the 12 units. Atty. O'Shaughnessy then asked to continue to another hearing date so they could get to work on the revised concept. He would ask that they be put on the next meeting date, and if he has to ask for a continuance at that time, he would do so.

Mr. Noble made the motion, seconded by Mr. Sheedy, to continue the North Bedford Crossing LLC hearing until November 17, 2022, at 7:00 p.m., with the request that plans get resubmitted to the Boards in Town. The vote was **unanimous for**.

Meeting minutes

Mr. Noble made a motion, seconded by Mr. Campeau, to approve the meeting minutes from the September 15, 2022 meeting. The **vote** was **unanimous for**.

Next meeting

The next meeting is scheduled for November 3, 2022, at 7:00 p.m. at the Lakeville Public Library.

Adjourn

Mr. Noble made a motion, seconded by Mr. Campeau, to adjourn the meeting. The **vote** was **unanimous for**.

Meeting adjourned at 8:05.