

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
February 21, 2019**

Members present:

Donald Foster, Chair; David Curtis, Vice-Chair; Janice Swanson, Vice-Clerk; Joseph Urbanski, Associate Member

Members absent:

John Olivieri, Jr., Clerk; Chris Carmichael, Associate Member; Daniel Gillis, Associate Member

Regular Meeting:

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

Roll called.

Mr. Foster stated in accordance with the Open Meeting Law he was announcing that he and the secretary were making an audio recording of the meeting. LakeCAM was making a video recording. He asked if anyone present was making a recording. There was no response.

Before the hearing was opened, Mr. Foster informed the petitioner who was present that they only had four members present. He explained that means if the Board took a vote on his petition, he would need all four members to vote in favor of it. If they had all five members, he could have one member vote to oppose and the motion would still carry. He would have a choice of what he wanted to do in a few minutes.

Chainay hearing – 153 County Street:

Mr. Foster opened the Chainay hearing at 7:05 and read the legal ad into the record. Mr. Chainay was present. Mr. Foster stated Mr. Chainay was applying for a Special Permit for a large garage on a piece of land that was 86,000 square feet. He asked why specifically the garage had to be in that location. Mr. Chainay replied in other areas there are a lot of trees and water drains off the driveway in the front area. Mr. Foster asked if the proposed garage was for a business purpose. Mr. Chainay said it was not. He was in the process of selling a property in New Bedford, and had a lot of things in that garage he would have to bring over.

Mr. Foster stated that three sketches had been provided with the petition but they did not seem to agree with each other too well, so it was unclear exactly where he wanted to put this garage. It was clear, however, that it was ten feet from the side setback. Mr. Foster advised with a property this big, there is a lot of space to place the garage where it would not impact the bylaws.

Mr. Foster then read from the bylaw Section 7.4 regarding Special Permits. Mr. Foster explained Section 7.4.1.3. Residents that come in with small lots don't really have an alternative but with an 88,000 square foot lot, there were a lot of alternatives for locating this garage. Mr. Chainay advised he could probably move it out of the setback, but he would have to move it very close to the house. He explained they have a pool on the opposite side of the house and the septic and leaching field was in the back of the house. There were a lot of trees in the front and the ground was very low so the water drained that way. He would need a tremendous amount of fill for that option.

Mr. Chainay then submitted for the record a February 15, 2019, letter from Thomas Motta from 151 County Street. He had no objection to the garage. Ms. Swanson asked Mr. Chainay to indicate on a Google Map that had been printed where the garage would be in relation to the bordering house. She said they did have a Home Occupation bylaw and hoped this was not being used for a business. Mr. Chainay said that he would only be using it to work on his own vehicles. Mr. Foster said Ms. Swanson raised a good point. The bylaw prohibits building specifically for a home occupation.

Mr. Foster said they need to be careful about what the bylaws allow and what they don't allow. He would suggest that Mr. Chainay continue the hearing and contact an engineer to look at this situation and see if an alternative could be suggested that would be more in harmony with the bylaws and accomplish what he needed. Ms. Swanson asked if he would consider making the garage smaller. She was concerned if he was working on cars there could be a noise issue with the neighbor.

Mr. Foster noted that one practical reason they watch the setbacks carefully is, in addition to providing a buffer to the neighbor, it provides a lane along the property for an emergency vehicle. He again suggested that Mr. Chainay have an engineer look at alternatives. Mr. Curtis recommend he move the garage back and over to the left from the property line. Mr. McCarroll of 147 County Street was present. He asked to approach the Board and look at the plan. He then stated he and his wife had no problem with the garage.

Mr. Foster advised Mr. Chainay he now had the choice if he wanted the Board to vote on this now, or if wanted to continue the hearing until they had a fifth member. He stated that personally he did have trouble with this because he did have 88,000 square feet of land. He recommended Mr. Chainay continue and consult an engineer to take a look at alternatives to see where the garage could be placed that would be more in harmony with the bylaw.

Mr. Chainay then consulted with his wife regarding what they wanted to do. Mr. Foster also read the February 11, 2019, letter from the Board of Health into the record. The garage met the required setbacks to the septic tank and leaching field. It was not to be used as habitable space. The January 29, 2019, letter from the Conservation Commission indicated the work was beyond any jurisdictional wetland areas or the 100 foot buffer zone.

Mr. Curtis made a motion, seconded by Mr. Urbanski, to continue the Chainay hearing until March 21, 2019. The time would be at 7:00. The vote was **unanimous for**.

The hearing closed at 7:35.

Documents distributed for the hearing:

Petition packet

Legal ad

Conservation Commission correspondence of January 29, 2019

Planning Board correspondence of January 30, 2019

Board of Health correspondence of February 11, 2019

Informal meeting with Nolana Ricci regarding a possible request for a Special Permit for a Doggie Day Care facility at 2 Bedford Street:

No one was present for this meeting.

Meet with resident interested in the opening on the Zoning Board:

Mr. Fred Correia was present and advised he was interested in joining the Zoning Board. Mr. Foster explained one thing that had changed since Mr. Correia had been on the Zoning Board was the Board's involvement in 40B applications. He advised that something else that had changed was they now attempt to work with the petitioner to reshape a project or to make it less non-conforming. Mr. Foster stated that they typically meet once a month on the third Thursday. They have five full members and three associates. He would ask an associate to vote if they did not have five full members in attendance.

Mr. Foster asked if he had any questions. Mr. Correia said that he was still interested but he had no questions at this time. Mr. Foster thanked him for coming in.

Ms. Swanson then made a motion, seconded by Mr. Curtis, to approve the Minutes from the January 17, 2019, meeting. The vote was **unanimous for**.

Mr. Foster advised they all should have received the summary regarding the Bridge Street 40B development in their packets. It appeared the developer was taking less money out of the project than he could. He asked if there was anything further. No one spoke.

Mr. Foster adjourned the meeting at 7:55.