

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
December 19, 2019**

Members present:

Donald Foster, Chair; David Curtis, Vice-Chair; Janice Swanson, Vice-Clerk; James Gouveia, Member; Chris Carmichael, Associate Member; Gerry Noble, Associate Member; Joseph Urbanski, Associate Member

Members absent:

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

Regular Meeting:

Mr. Foster opened the regular meeting at 7:00 p.m. He then stated he was required, in accordance with the Open Meeting Law, to announce that the secretary was 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.

Vermette hearing – 1,3,7 Evergreen Road, 36 Clark Road, M042-B005-L003, 26, 28 Spruce Street, and M042-B005-L002

Mr. Foster opened the Vermette hearing at 7:01 and read the legal ad into the record. Atty. Robert Mather was present for the petitioner. Mr. Foster asked Atty. Mather if tonight's proceeding was to strictly change the lot lines or if it was to also approve construction of homes. Atty. Mather replied it was to raze the existing buildings and construct new. Mr. Foster clarified that the two items they were now taking into consideration was the strengths and weaknesses of changing the lot lines as well as to approve the construction of homes. Atty. Mather said that was correct.

Atty. Mather advised that Mr. and Mrs. Vermette were the owners of eight abutting parcels on Clark Road, Evergreen Road, and Spruce Street in Clark Shores. Four of the lots have existing single-family dwellings. None of the dwellings comply with the area, frontage, or setback requirements. The petitioner proposes to re-divide the property into four new lots and construct a new single-family dwelling on each of the new lots. Currently, three of the existing homes have three bedrooms and one has two bedrooms. He then distributed a plan, for the record, which showed the existing conditions and the proposed conditions. He also distributed photographs of the existing homes and a picture of the proposed homes.

Atty. Mather continued that this was step one in a three-step process. In order for them to get approval, they need a Special Permit because they are creating new lot lines. If the Board grants the Special Permit, they have to go to the Planning Board with a Form A plan. If they are successful here, they will also have to go to the Board of Health. Mr. Foster asked if any of the homes were occupied or habitable. Atty. Mather replied they were not occupied but they could be made to be habitable.

Atty. Mather noted that Mr. Vermette could renovate the existing homes without receiving approval from the Board but their proposal is a substantial improvement. They were there because all of the properties were pre-existing, non-conforming uses. Their by-law allows a pre-existing, non-conforming use to be changed, extended, or altered by a Special Permit by the Board of Appeals finding that the change, extension, or alteration is not substantially more detrimental than the existing, non-conforming structure or use.

Atty. Mather advised they met with the Board of Health last night to explain exactly what they were doing. They showed them the proposal and exhibited that they could meet all the setback requirements from wells and there would be no need for any Variances. All four septic systems can be located so they do not encroach into the setback area. One issue is they would like to have all four proposed dwellings have three bedrooms but in order to do that they would have to submit that request to the Board of Health and they would need a variance.

Atty. Mather said if they look at the proposed plan, they can see that the engineer has done a good job of spacing the four houses out as equally as possible. Each lot meets the setback requirements and is a minimum of 20,000 square feet. These new homes will enhance the property values in the area. Mr. Vermette has done several projects in Clark Shores and has done a first-rate job on those projects. They ask that the Board grant the Special Permit and make it contingent upon the approval of the Planning Board and the Board of Health.

Mr. Foster then read the correspondence from various Town Boards into the record. The December 16, 2019, letter from the Board of Health stated they did not have enough information to comment on the petition. The December 19, 2019, letter updated the Board of Health would need engineered septic plans but had no issue with the concept of the petition. The December 16, 2019, memo from the Conservation Commission stated no wetlands or related issues had been observed at the site. The December 16, 2019, memo from the Planning Board approves of the plan but additional information will be needed when it returns to the Planning Board.

Mr. Foster asked if anyone present would like to speak for or against the petition. No one spoke. Mr. Foster stated he felt this was really cleaning up this area. It looks like in addition to improving the non-conforming issues by eliminating the setback intrusions and creating larger lots, it is replacing ramshackle homes with new and attractive ones. He asked if there were any additional comments or questions. Ms. Swanson said she would approve this plan. It is better in every way than what is currently there.

Mr. Curtis then questioned the wording of the motion. Mr. Foster replied that the finding in the Decision for the Planning Board would be the revision to the lot lines improves the neighborhood, improves the non-conformity issues, and allows for the construction of four homes that meet all the setback requirements, whereas the original met none. He said that finding is based on the facts. They would approve the four homes on non-conforming lots. This will not be substantially more detrimental than what exists. Mr. Curtis made the motion, seconded by Ms. Swanson, to approve the petition as stated with the following restriction:

1. Building permits will not be issued without Board of Health and Planning Board approval.

The vote was **unanimous for**.

The hearing closed at 7:25.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health Correspondence (2) December 16, 2019 and December 19, 2019
- Conservation Commission correspondence of December 16, 2019
- Planning Board correspondence of December 16, 2019
- Photographs of present and proposed homes
- Proposed well distances
- Azor Lotting plan of December 9, 2019

Mr. Foster adjourned the meeting at 7:26.

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