

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
July 16, 2020
Remote meeting**

On July 16, 2020, the Zoning Board held a remote meeting. It was called to order by Chairman Foster at 7:00. LakeCam was recording, and it was streaming on Facebook Live. There was no response when Mr. Foster asked if anyone was recording.

Members present:

Donald Foster, Chair; David Curtis, Vice-Chair; John Olivieri, Jr., Clerk; James Gouveia, Member; Joseph Urbanski, Associate Member

Members absent:

Janice Swanson, Member; Chris Carmichael, Associate Member; Daniel Gillis, Associate Member; Gerry Noble, Associate Member

Agenda item #1

Mr. Foster read this item into the record. It was an explanation of the Governor's Order Suspending Certain Provisions of the Open Meeting Law related to the 2020 novel Coronavirus outbreak emergency which was why the Board was meeting remotely.

Sena hearing – 103 Staples Shore Road

Mr. Foster opened the Sena hearing at 7:02 and read the legal ad into the record. Mr. Foster asked Mr. Sena what it was that he would like to do. Mr. Sena replied he was looking to tear down the house that he had right now and expand it slightly. It would not further encroach into the setbacks. This new home will require little to no maintenance and would be up to all the current standards.

Mr. Steve Kohm, engineer from Prime Engineering was present. He advised the project proposes to reconstruct an existing, non-conforming dwelling which requires a Special Permit from the Zoning Board. He noted that Tuesday the project had gone in front of the Conservation Commission and they had approved the Notice of Intent. He then shared his screen with the Board. He first displayed the location of the property and then described what was currently on the site.

Mr. Foster asked if the proposed house would intrude any further into the setbacks than the existing house. Mr. Kohm replied it was close to the same footprint. Mr. Foster said the project was an increase of approximately 40 square feet. Mr. Kohm said that was correct. Mr. Foster said it appears the closest setback would be a little under ten feet. Mr. Kham responded they are using the existing right of way which cuts the lot in half and they are calling that the front yard setback. The proposed home would be six feet off that setback. It is currently five feet nine inches. It is a slight improvement.

Mr. Foster asked if they would be closer to the water. Mr. Kohm said they would be slightly further away from the water. After consulting the plan, Mr. Foster said it indicated the proposed dwelling is slightly better on all the setbacks than the existing dwelling. Mr. Kohm said that was correct. Mr. Foster asked if the right of way was used or if it was just a paper road. Mr. Sena said it was used by the Taunton Water Department. Mr. Foster asked if it was used by the neighbors. Mr. Sena said it was not.

Mr. Foster said from what he could see about this project there was nothing that made it any worse or more non-conforming than the existing dwelling. He asked what Board members thought. Mr. Olivieri agreed. Mr. Urbanski was fine with it. Mr. Gouveia thought it was an improvement to the neighborhood. Mr. Foster noted that the pictures included in the package show what looks to be a nice, little cottage. Mr. Sena said it is, but the problem is the foundation and everything underneath it is over 100 years old. He thought it was in the best interest to update and go by current standards.

Mr. Foster asked how high the current home is. Mr. Sena replied it is a two-story, but it does not go all the way out. He is looking to go out over a part of the roof that was only one story and add a bathroom and a half. Mr. Foster said the proposed house is a little taller then. Mr. Sena said that was correct. He would also want it to be in line with the current flood plans. Mr. Foster asked if any of his current neighbors had expressed any concern regarding the taller home affecting their view of the water. Mr. Sena said they had not. Mr. Curtis said that this was the next to the last home on that road and there was nobody behind him so he would not have to worry about the view.

Mr. Foster then read the comments from the various Town Boards into the record. The July 15, 2020, memo from the Conservation Commission noted they approved the project, closed the hearing, and will be issuing an Order of Conditions with specific items required. Mr. Foster asked Mr. Sena how he would assure them these things would be done. Mr. Sena replied the Conservation Commission said they should contact them to come down before any demolition is done. The Planning Board memo of July 13, 2020 had no comment regarding the petition. The July 10, 2020, Board of Health memo stated since the onsite sewage disposal is to remain unchanged and the proposed dwelling remains a three-bedroom dwelling, the existing system should be sufficient providing it passes the required Title V inspection. Therefore, there is no reason to recommend denial due to public health issues.

Mr. Foster said he believed a neighbor was present and wanted to speak. Ms. Jennifer O'Keefe said that she was a neighbor and was here in support of the proposed project. Mr. Foster asked if there were any additional comments or concerns. No one spoke.

Mr. Olivieri then made a motion, seconded by Mr. Curtis, to approve the petition as applied for.

Roll Call Vote: Mr. Gouveia-AYE, Mr. Olivieri-Aye, Mr. Urbanski-Aye, Mr. Curtis-Aye, Mr. Foster-AYE

The hearing closed at 7:19.

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

Documents distributed for the hearing:

Petition packet

Legal ad

Board of Health Correspondence July 10, 2020

Conservation Commission correspondence of July 15, 2020

Planning Board correspondence of July 13, 2020

Discuss letter received from The Estates at LeBaron Hills Homeowners Association

Mr. Foster advised they have a request that was put forth to them from some residents at LeBaron Hills. He asked if anyone was present from there. No one spoke. Mr. Foster explained some residents have asked them to modify the Comprehensive Permit to eliminate some of the sidewalks and a chain link fence in the development. He contacted Atty. Mather who was unaware of this request.

Mr. Foster noted that to the best of his knowledge any request to modify a Comprehensive Permit must come from the permit holder. When they are asked to consider a modification, the Board decides whether it is a substantial or insubstantial change. A substantial change requires a public hearing whereas an insubstantial one does not. Mr. Foster felt this request must come from the developer or his representative and not from the residents that live there. Mr. Foster asked if anyone had any comments regarding this. Mr. Olivieri said he agreed and said the request should come from the developer.

Appoint ZBA representative to 43D

Mr. Olivieri said it has been several years since this 43D, or expedited permitting process, was put in place. He noted that he had been the Board's designated representative at that time. He said that he was willing to remain in that role.

Mr. Curtis made a motion, seconded by Mr. Urbanski, to recommend Mr. Olivieri be the Board's representative to the 43D Committee.

Roll Call Vote: Mr. Gouveia-AYE, Mr. Olivieri-Aye, Mr. Urbanski-Aye, Mr. Curtis-Aye, Mr. Foster-AYE

Meeting minutes

Mr. Curtis made a motion, seconded by Mr. Olivieri, to approve the minutes from the January 16, 2020, meeting.

Roll Call Vote: Mr. Gouveia-AYE, Mr. Olivieri-Aye, Mr. Urbanski-Aye, Mr. Curtis-Aye, Mr. Foster-AYE

Discuss department distribution of petition applications

Ms. Murray noted that currently applications are distributed for review to the Board of Health, Conservation, Planning Board, and Building Department. She thought they might want to consider asking Fire and/or Police if they would like to review commercial or business applications. Whereas there might possibly be some additional development on Main Street it might be a good idea for the Board to think about this. Mr. Foster said they have had mixed response regarding review of applications. Some departments did want to see and review them where others did not.

Mr. Foster thought the right thing to do might be to ask the head of each department and committee if they want to review each petition; not review each petition; or maybe send them selected petitions for review. Mr. Olivieri asked how they would select which petitions should be reviewed. In his opinion, they should be consistent and either send them or not. Mr. Foster said his thought was to send any petition that deals with business, commercial, or industrial issues or properties to Highway, Fire, and Police. They would not send residential petitions to them. Mr. Foster said he would compose a note that could be sent to those Departments and possibly a few others with that proposal. He will work with Ms. Murray to get that out.

Mr. Foster then adjourned the meeting at 7:30.