

**Zoning Board of Appeals  
Lakeville, Massachusetts  
Minutes of Meeting  
January 19, 2021  
Remote meeting**

On January 19, 2021, the Zoning Board held a remote meeting. It was called to order by Chairman Olivieri at 7:00. LakeCam was recording, and it was streaming on Facebook Live.

**Members present:**

John Olivieri, Jr., Chair; Jeffrey Youngquist, Vice-Chair; Nora Cline, Clerk; Gerald Noble, Associate Clerk; Chris Carmichael, Member; Christopher Campeau, Associate; Christopher Sheedy, Associate

**Also present:**

Jamie Bissonnette, Zenith Consulting Engineers (ZCE); Louis Vermette, applicant; Christopher Chapin, applicant; Martin Levin, Dennis Brienzo, Mellisa and Jeff Cornell, abutters

**Agenda item #1**

Mr. Olivieri 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.

**Bedford Holdings hearing - 33 Bedford Street**

Mr. Olivieri opened the Bedford Holdings hearing at 7:00 and read the legal ad into the record. Mr. Jamie Bissonnette from Zenith Consulting Engineers was present for the applicant. He then shared his screen to display the Site Plan. He advised that several months back the sign was hit and the base and pole structure were damaged. From what he understood, the Mobil sign on top was also broken. A sign company was brought in to try to repair the sign but because of the damage to the pole a new pole and structure would be required. Mobil, who has the rights to the distribution of gas at the site, provided them with their smallest sign. Mr. Bissonnette said that was part of their application which is essentially to replace, in the same place, this new proposed sign which will meet the ten-foot setback, be completely on site, but going over the square footage allowed by right under the bylaw. He then shared a picture of the proposed sign. Mr. Bissonnette explained the sign would have the Mobil and Synergy technology. It would also display regular price, the diesel price, and beer and wine. He was not sure if

the bottom portion would say lottery or convenience store. He was happy to answer any questions at this time.

Mr. Olivieri said it appears that the only digital aspect to the sign is the price of the gas. Mr. Bissonnette said that was correct. Mr. Olivieri then read the correspondence from the various Town Boards into the record. The January 13, 2021, letter from the Conservation Commission said there were no wetland issues with the project. The Planning Board memo of January 19, 2021, recommended the application not be approved unless the size of the sign is reduced and complies with the bylaw. The Board of Health email indicated they had no issue with the petition.

Ms. Cline asked Mr. Bissonnette if he knew the size of the current sign. He replied that he did not have an exact measurement on that sign. He noted that the sign for the Mobil was up now but he had been told it had been difficult to find a replacement. He then displayed what was currently there but the Mobil sign was now on top. Ms. Cline said in her opinion there was not a need to go beyond the current sign size and allow a larger size than what their bylaws currently permit. Mr. Bissonnette said that in regards to this structure, where the vehicle actually hit the pole is what is causing the entire structure to have to be replaced. In order to recreate the present sign, it would be a custom sign. The Mobil sign that was in front of them is a standard sign that is at the majority of Mobil stations. He noted the sign is comparable but a little smaller than the one approved by the Zoning Board located at the Shell/Seasons which is approximately 65 square feet.

Ms. Cline asked if they planned on pulling out the shrubbery that is now there. Mr. Bissonnette said they are planning to revegetate the entire island. They will remove what is there and replace it with new low growth shrubbery allowing you to see the sign while enhancing the vegetative ground cover. Mr. Carmichael said he agreed with Ms. Cline and thought the size of the sign was a little too large. Would the new shrubbery increase or decrease the sight line and would that new sign impede traffic pulling in and out of the site? Mr. Bissonnette replied it would not do either as they were going to use low growth vegetation. He noted the edge of the closest part of the sign would be ten feet off of the property line and the right of way is even further. Cars will have plenty of sight visibility. Mr. Carmichael said his suggestion would be to combine beer, wine, and lottery as one line of the sign. Mr. Bissonnette said that is something they could consider if that was what the Board was looking for.

Mr. Youngquist said he noticed the sign was larger than the original but the Shell sign was larger. He did not have a problem with it. Mr. Sheedy asked if there was any information on the original sign. Mr. Bissonnette said that it was old. He believed it had been permitted just through the Building Department. Mr. Noble asked if there was any documentation from Mobil indicating that was the smallest sign available. Mr. Bissonnette replied when he was on site with the owner of the station who explained what he was looking for, they called the sign people for Mobil and they had emailed him a larger sign. He explained to them he felt that square footage would be difficult to approve which resulted in them sending him the smaller sign.

Mr. Noble also asked if it was necessary to have the multiple lines beyond the fuel pricing which was necessary. Mr. Bissonnette said he has spoken with the owner and at a bare minimum he does need at least one panel because there is a convenience store inside. He didn't know if it would say beer and wine and lottery or the convenience store's name. The owner felt that because the Shell station was given a larger sign with multiple sign lines, he shouldn't have a problem. However, he could forego having one of those panels, and his client would be amenable to that.

Mr. Campeau asked if the maximum height and width was the same as the old sign. It appeared that the usable space might be a little more. Mr. Bissonnette replied that this sign is off to one side so the pole instead of being a center mounted sign, it's a side mounted sign. In perspective, he didn't think the overall height would be much different. This sign is not that tall and it is not as tall as the Shell sign which is somewhere around 22 feet above grade. This sign was at 17.3 feet. He would estimate they were in the same range within possibly a foot or two of what is there now. He noted that he tries to take this Board's recommendations to heart as he moves forward and advises his clients, but he did want them to be cognizant that a sign was approved for a competitor within the past few years. They would just want to be treated in the same light.

Mr. Olivieri asked if there were any questions or comments from anyone participating in the meeting. Mr. Carmichael noted the bylaw allows 32 square feet for a sign so this is almost twice that at 59 square feet. He didn't have that much of a problem with it but thought the bottom panel should go. He asked what the square footage of that panel was. He would be willing to make a motion to that effect. Mr. Olivieri said he knew the Shell station had been granted a Special Permit, and although the Board doesn't set precedent, he would be inclined to allow a sign no larger than that sign. He hesitates to grant relief to a certain degree for one property owner and not do the same for another.

Ms. Cline said she would agree with that comment. She was not aware of the other sign's size and that it had been approved by a previous Board. She thought Mr. Bissonnette had done a good job in keeping the sign smaller and in good taste. Her concern would be that someone else will then want to increase the size of their sign. Mr. Carmichael agreed. He felt they should stay within the general feeling of the bylaw and its intent to keep signs smaller.

Mr. Noble agreed but said that he disagreed with the idea of holding steady to the precedent set in the past. Mr. Olivieri agreed and said they do not set precedent and the Board can make any decision or determination they want. His personal feeling is these are duplicate businesses. Mr. Sheedy said as far as the competitive nature of it, he was not really seeing that argument. These are two gas stations but on opposite ends of the Town. He thought they had to adhere more strictly to the bylaw. As you go beyond the necessary fuel signage, it becomes more of a wish list of what type of message you want to convey as to what kind of business is inside. Mr. Youngquist then asked what the square footage of the bottom panel was. Mr. Bissonnette said it was approximately 7.9 square feet. That would then be 51.82 or 52 square feet.

Mr. Carmichael then made the motion, seconded by Mr. Youngquist, to approve the petition with the following restriction:

1. The sign will be no larger than 51.83 square feet.

**Roll Call Vote:** Mr. Youngquist-Aye, Mr. Carmichael-Aye, Ms. Cline-Aye, Mr. Olivieri – Aye, Mr. Noble-Nay

The motion passes.

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

The hearing closed at 7:30.

**Documents distributed for the hearing:**

Petition packet

Legal ad

Conservation Commission correspondence of January 13, 2021

Planning Board correspondence of January 19, 2021

**Vermette hearing – 5 Ash Street**

Mr. Olivieri opened the Vermette hearing at 7:31. Ms. Murray then read the legal ad into the record. Mr. Olivieri said the Conservation Commission letter of January 13, 2021, indicates there is no hearing scheduled. Demolition of a structure would require a Request for Determination and new construction and/or a septic system upgrade may require a Notice of Intent. He stated the Board of Health had no issue with removing the seasonal deed restriction based on an email received from the Health Agent. The Planning Board memo of January 15, 2021, stated the Board had no comments regarding the petition.

Mr. Vermette explained that originally, he had a seasonal home property. He bought the lot behind it which had a two-bedroom dwelling located on it. According to the approval of the new septic design, he had to remove that dwelling and could not increase the flow. The lot size went from 10,000 square feet to over 21,000 square feet. It now has a fairly new house, septic system, and well. There is currently a three-bedroom deed restriction on this property. He would like to remove the seasonal restriction and have it as a year-round home. Mr. Olivieri noted that if the Board approved the request, Mr. Vermette would still have to go before the Board of Health and have a Title V inspection. The Board of Health would also have to remove their seasonal restriction as both Boards have it on there. Mr. Olivieri said he thought the seasonal deed restrictions more appropriately belong with the Board of Health as they are usually put on because of septic issues and capacity. If the Board of Health was in favor of it, then he was in favor of it. They do need to make sure that if they allow it, there is a condition that it would be contingent

upon the Board of Health removing their restriction as well. Mr. Vermette said he had done a Title V and everything had passed.

Mr. Carmichael then read into the record the definition of seasonal residence. It is a dwelling with a substandard septic design not meeting minimum Title V requirements for a year-round residence. If Mr. Vermette has a new septic system, it doesn't qualify for that definition anymore so he would be in favor. Mr. Olivieri agreed. He asked if Board members had any questions or comments. There were none.

Mr. Olivieri said he would entertain a motion to remove the seasonal deed restriction contingent upon the Board of Health removing their deed restriction. Mr. Youngquist made that motion. It was seconded by Mr. Noble. Mr. Vermette said he thought the Board of Health had already removed the restriction. Mr. Olivieri replied he was going by the latest information that he had which was today's email from the Health Agent.

Mr. Carmichael then suggested amending the motion to remove the seasonal deed restriction pending Board of Health sign off. Mr. Youngquist agreed and made that amendment. Mr. Noble seconded it.

**Roll Call Vote:** Mr. Youngquist-Aye, Mr. Carmichael-Aye, Ms. Cline-Aye, Mr. Noble -Aye, Mr. Olivieri – Aye

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

The hearing closed at 7:41.

**Documents distributed for the hearing:**

Petition packet

Legal ad

Board of Health email of January 19, 2021

Conservation Commission correspondence of January 13, 2021

Planning Board correspondence of January 19, 2021

**Chapin hearing – 41 Clark Road**

Mr. Olivieri opened the Chapin hearing at 7:42 and read the legal ad into the record. Mr. Olivieri asked Mr. Chapin to explain what he was doing. Mr. Chapin advised he had purchased a pre-existing, two-bedroom home in the fall. It is a smaller home so he was just looking to expand the space. There is a pre-existing deck that is in place so he would like to enclose it to add to the square footage of the property. The property is currently 794 square feet and this would add 180 square feet. The lot coverage would increase from 14.2% to 17.4%. He noted this would not encroach any further into the setbacks.

Mr. Olivieri then read the January 13, 2021, letter from the Conservation Commission into the record. There were no wetland concerns at this property. The January 15, 2021, memo from the Planning Board stated they had no comment on the petition. Mr. Olivieri

asked if there had been any comments from the Board of Health. Ms. Murray replied it was on the Board of Health's agenda for an upgrade to the system. Mr. Olivieri stated if they were to move forward, they would probably condition it on Board of Health approval.

Mr. Olivieri asked if there were any comments or questions from Board members. Mr. Youngquist asked if they were just enclosing the existing deck. Mr. Chapin said that was correct. He noted that sometimes they then turn into bedrooms. Mr. Chapin said there would be two bedrooms, and they were only making the existing space larger. Mr. Olivieri said he would leave that in the purview of the Board of Health as bedrooms are a component of septic. Mr. Chapin would have to go in front of the Board of Health for approval.

Mr. Carmichael made a motion, seconded by Mr. Noble, to approve the petition as submitted with the following condition:

1. Board of Health and Building Department approval will also be required.

**Roll Call Vote:** Mr. Youngquist-Aye, Mr. Carmichael-Aye, Ms. Cline-Aye, Mr. Noble -Aye, Mr. Olivieri – Aye

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

The hearing closed at 7:50.

**Documents distributed for the hearing:**

Petition packet

Legal ad

Conservation Commission correspondence of January 13, 2021

Planning Board correspondence of January 15, 2021

**Chapin hearing – 31 Pilgrim Road**

Mr. Olivieri open the Chapin hearing at 7:50 and read the legal ad into the record. Mr. Chapin advised he was expanding the foot print in this petition but he was expanding an existing bedroom. He was pushing the wall out but maintaining the setback from the septic system and leaving space between the existing shed/carport. Mr. Olivieri then read the January 13, 2021, letter from the Conservation Commission into the record. It stated there was no hearing scheduled but the proposed construction in areas adjacent to the wetland would require a Request for Determination of Applicability (RDA) at a minimum. The January 15, 2021, memo from the Planning Board stated they had no comment on the petition. The Board of Health also had no issue with the petition. Mr. Olivieri asked if Board members had any comments or questions. There were none.

Ms. Cline then made the motion to grant the request to increase the size of the existing bedroom by 90 square feet on a pre-existing non-conforming dwelling located on a non-conforming lot. Mr. Youngquist seconded the motion. Mr. Noble noted that it was actually 91 square feet. Ms. Cline amended her motion to approve the petition as applied for. Mr. Youngquist seconded the amended motion.

**Roll Call Vote:** Mr. Youngquist-Aye, Mr. Carmichael-Aye, Ms. Cline-Aye, Mr. Noble -Aye, Mr. Olivieri – Aye

The hearing closed at 7:50.

**Documents distributed for the hearing:**

- Petition packet

- Legal ad

- Conservation Commission correspondence of January 13, 2021

- Planning Board correspondence of January 15, 2021

**Meeting minutes**

Ms. Cline made a motion, seconded by Mr. Youngquist, to approve the minutes from the December 15, 2020, meeting.

**Roll Call Vote:** Mr. Youngquist-Aye, Mr. Carmichael-Aye, Ms. Cline-Aye, Mr. Campeau-Aye, Mr. Sheedy- Aye, Mr. Olivieri – Aye, Mr. Noble -Abstain

**Adjourn**

Ms. Cline made a motion, seconded by Mr. Youngquist, to adjourn the meeting.

**Roll Call Vote:** Mr. Youngquist-Aye, Mr. Carmichael-Aye, Mr. Noble-Aye, Ms. Cline-Aye, Mr. Sheedy- Aye, Mr. Campeau-Aye, Mr. Olivieri – Aye

Meeting adjourned at 7:57.