

**Zoning Board of Appeals  
Lakeville, Massachusetts  
Minutes of Meeting  
February 17, 2022  
Remote meeting**

On February 17, 2022, the Zoning Board held a remote meeting. It was called to order by Chairman Olivieri at 7:08 p.m. LakeCam was recording, and it was streaming on Facebook Live.

**Members present:**

John Olivieri, Jr., Chair; Chris Carmichael, Member; Christopher Campeau, Associate; Christopher Sheedy, Associate

**Others present:**

Mark Resnick, Town Planner; Brian Ferrari, applicant; Rob Richard, abutter

**Agenda item #1**

Mr. Olivieri read this item into the record. It was an explanation of how the provisions of Chapter 20 of the Acts of 2021 allowed the Board to continue to meet remotely.

**Ferrari hearing – 3 Sassamon Circle**

Mr. Olivieri noted that as of right now there were only four members in attendance. He was going to open the hearing but if at any point Mr. Ferrari would like to ask for a continuance so that he would feel more comfortable, he was able to do that. He explained that the vote for a Special Permit or Variance requires a super majority, and Mr. Ferrari would need a unanimous vote of the Board tonight. Mr. Olivieri then opened the hearing and read the legal ad into the record.

Mr. Olivieri then read comments from the Town Boards into the record. The February 10, 2022, email from the Board of Health stated provided there was no plumbing or heat in the cabana, the Board had no objection to the structures. Mr. Ferrari replied there would not be. The February 16, 2022, memo from the Conservation Commission stated the snow cover has limited the extent of the wetland identification. The Commission requested a follow up visit in the spring when a Request for Determination of Applicability would be required. The February 15, 2022, memo from the Planning Board had no comment regarding the petition. He asked Mr. Ferrari to explain what he wanted to do

Mr. Ferrari replied his current shed is five feet from the property line and he wants to replace that with a new shed in the exact same spot. To the left of that but between 15 feet to 20 feet from the property line, he would like to put a cabana adjacent to the shed. Mr. Olivieri stated for clarification that he was removing an existing shed, replacing it with a new one which will be no further into the setback. The proposed cabana would also extend no further into the setback than

the shed. Mr. Ferrari said that was correct. There were no additional questions from Board members. Mr. Rob Richard of 31 Old Powder House Road advised there were no wetlands in that backyard. He could see the shed from the window of his property. Mr. Olivieri asked if anyone present had any comments. No one spoke. Mr. Olivieri asked if Mr. Ferrari was comfortable moving forward with only four members. He said that he was. Mr. Olivieri explained if they were to vote to deny, he could not return to the Board for two years. He could also choose to withdraw without prejudice.

Ms. Murray asked for clarification of the placement of the cabana. If it was 20 feet it would not be in the setback, but if it was 15 feet then it would be. Mr. Resnick agreed that the Board should set some sort of a minimum dimension if they choose to allow it within that corner. Mr. Olivieri said that a setback has already been established whether it was approved or grandfathered in. If they were to make a motion, the caveat would be that neither the shed or cabana can be any further into that side setback than the existing shed is.

After further discussion, Mr. Carmichael made a motion that the new shed will not extend more than five feet into the left side lot line. The new cabana will not be more than ten feet to the left side lot line. The motion was seconded by Mr. Sheedy.

**Roll Call Vote:** Mr. Sheedy-Aye, Mr. Campeau-Aye, Mr. Carmichael-Aye, Mr. Olivieri-Aye

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

The hearing closed at 7:24.

**Documents distributed for the hearing:**

- Petition packet
- Legal ad
- Board of Health email of February 10, 2022
- Conservation Commission correspondence of February 16, 2022
- Planning Board correspondence of February 15, 2022

**Approve meeting minutes**

Mr. Carmichael made a motion, seconded by Mr. Sheedy, to approve the meeting minutes from the January 20, 2022, meeting.

**Roll Call Vote:** Mr. Sheedy-Aye, Mr. Carmichael-Aye, Mr. Olivieri-Aye; Mr. Campeau-Abstain

**Old Business**

There was no old business.

### **New Business – Discuss possible Zoning Articles for spring Town Meeting**

Mr. Resnick advised there are three proposed zoning changes that the Planning Board is putting forth. The first is for Site Plan Review, and the next one is a new section for Open Space and Residential Development (OSRD.) The Zoning Board generally doesn't get involved in those but does for the final one which is for the sign bylaw. Sometimes people apply for a Special Permit for relief from the number of signs, larger signs, etc. He felt that the way it is set up right now is okay, but that some limitations needed to be added to what the Zoning Board can and can't allow.

Mr. Resnick then went through the draft that had been distributed. The first page included some new definitions for different types of signs. A new section has been added indicating that you have to apply for a permit and submit it to the Building Inspector. He also added more specificity to the general sign regulations, particularly relating to maintenance, electronic message board size, etc. Mr. Carmichael asked if electric message signs would be allowed by right. Mr. Resnick replied it will be a Special Permit specific to that use. Mr. Carmichael also asked if they were going to limit the amount of type change per hour. Mr. Resnick responded the Planning Board had talked about no more than three times per minute. Mr. Carmichael said a lot of Towns restrict how much motion, or how much flickering is caused by it. That would be his major concern.

Mr. Olivieri said that one of the issues they have with signs is that there is no consistency. The Board can change over the years so if they had better guidance they would know what the Town's intent is. He noted if this is approved at Town Meeting then the residents are saying this is what they want. If they don't, it will get shot down. Mr. Carmichael said that he could send some samples to Mr. Resnick to take a look at. Mr. Resnick said there were several samples of these signs on Bedford Street. Mr. Olivieri added that if the Planning Board was suggesting three times a minute for a sign to change was reasonable and safe, just give the ZBA guidance so they can implement it. Mr. Resnick advised the way it is written is that those limitations would be by right. He then directed members to the prohibited section where Special Permits could not be applied for. This provides the Board that guidance to allow some signs between what's currently allowed and what becomes prohibited.

Regarding electronic message boards or the electronic message board portion of a sign that exceeds 12 square feet, they are allowing it by right but they will not be allowed to grant a Special Permit for one that is larger. He thought the electronic message board takes care of the billboards along the highway which also change, but he defined electronic outdoor advertising and then put it in the prohibited section. He also wanted to put a height limitation in so there would be an upper amount. Mr. Carmichael added that sometimes it is good to have a lower height restriction as well, so you can create sight lines to see as drivers are pulling in and out. After further discussion, Mr. Carmichael suggested a caveat that no sign is to obstruct a sight line.

Mr. Olivieri asked for clarification when referring to banners, ribbons, streamers, etc. Can those be put up temporarily to advertise for a sale, or a specified period of time? Is that prohibited? Mr. Resnick replied it would be as it is written, and he did not see those listed under temporary signs. Mr. Olivieri said that he would not want to see those out all year long, but there is value to that from a business standpoint. Mr. Carmichael said those are allowed in other towns for two weeks for a grand opening upon special request and suggested that additional language be added in. Members also discussed political signs. Mr. Resnick found that the language regarding 'a political

issue' should be clarified. Mr. Olivieri recommended that it instead say no political issue associated with an election and allowing seven days to remove that type of signage.

Mr. Resnick then went through some of the new sections proposed. One was to allow signs for permanent subdivision or residential development identification that shall not exceed 12 square feet, and are to be externally illuminated by spotlights. The next was for one sign not exceeding 32 square feet on a building or project under construction, repair, or renovation identifying the contractor, architect, or owner. This shall be removed upon the issuance of a building permit for part of the building. The last was for fuel pump information signs only as required by State law. Included was also a section related to the temporary subdivision sale sign. One sign not to exceed 32 square feet is allowed but it shall be removed upon the issuance of occupancy permits for 75% of the subdivision.

There were no additional comments from the Board. Mr. Resnick said he would email the revisions out and also discuss it with the Planning Board at their next meeting. He will then send out the final draft.

### **Adjourn**

Mr. Carmichael made a motion, seconded by Mr. Sheedy, to adjourn the meeting.

**Roll Call Vote:** Mr. Campeau-Aye, Mr. Carmichael-Aye, Mr. Sheedy-Aye, Mr. Olivieri-Aye

Meeting adjourned at 7:58.