

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
April 21, 2022**

On April 21, 2022, the Zoning Board held a meeting at the Lakeville Police Station. The meeting was called to order by Vice-Chairman Youngquist at 7:00 p.m. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

Jeffrey Youngquist, Vice-Chair; Gerald Noble, Vice-Clerk; Chris Carmichael, Member; Christopher Sheedy, Associate

Others present:

Marc Resnick, Town Planner; William Bache, John Batistsa, Dawn and Michael Collins, applicants; Courtney Steinberg, builder's representative, John DeRosa, Brian Shinney, Leona and Dennis Brienzo, abutters

Mr. Youngquist explained to all the applicants present that the Zoning Board is a five-member Board. It takes a super majority for the approval of a petition which is four members. Tonight, they only have four members present, meaning they would have to have four in favor or a unanimous vote of the Board for approval.

Bache hearing – 12 Bristol Street

Mr. Youngquist opened the hearing and read the legal ad into the record. Mr. Bache and Mr. John Darosa of 5 Bristol Street were present. Mr. Bache advised that he had a non-conforming, pre-existing lot, and he would like to put a garage on the top portion of the property to get his boat, vehicles, etc., out of the weather. Mr. Youngquist said that he had looked at the application. Mr. Bache noted there would be no plumbing or heat. It would not be habitable. Mr. Youngquist asked if he was going to have the property surveyed, as it appeared he was going very close to the lot line. Mr. Bache said he has had someone out there. They will come out again and do the swing lines and pin the corners.

Mr. Youngquist then read comments from the Town Boards into the record. The March 23, 2022, letter from the Board of Health stated that the proposed garage is greater than the minimum ten feet from the existing leach field. The Board of Health had no objection provided the garage was not to be habitable space. The April 19, 2022, memo from the Planning Board had no comment regarding the petition. The April 19, 2022, email from the Conservation Commission stated there were no wetland issues on the site.

Mr. Youngquist asked if Board members had any comments. Mr. Carmichael asked where the nearest structure was located on the adjacent lot. Mr. Bache estimated it would be at least 50 to 75 feet away. Mr. Youngquist asked if anyone present would like to speak. No one spoke.

Mr. Noble then made a motion to approve the petition for a Special Permit, seconded by Mr. Sheedy, with the following condition:

1. The garage will not be habitable

Roll Call Vote: Mr. Carmichael-Aye, Mr. Noble-Aye, Mr. Sheedy-Aye, Mr. Youngquist-Aye

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

The hearing closed at 7:09.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health correspondence of March 23, 2022
- Conservation Commission email of April 19, 2022
- Planning Board correspondence of April 19, 2022

Batista hearing – 24 Pilgrim Road

Mr. Youngquist opened the hearing and read the legal ad into the record. Mr. Batista was present. He advised he was in the process of trying to purchase this property in the hopes that he could get a permit and move forward. There is an existing small cottage that is within the front and side setback. He is proposing to raze the existing structure and build a new structure. He would be able to conform to the rear and side setbacks and improve the distance he extends into the front setback.

Mr. Youngquist asked if he would be increasing the number of bedrooms. Mr. Batista replied he believed the septic system that was designed and approved was for a two-bedroom system. Mr. Youngquist asked how much larger the footprint of the proposed house was compared to the existing. Mr. Batista said that in one direction it was increased by two feet and in the other direction it was ten or twelve. However, he has not yet done a floor plan because he did not know what restrictions he might have. Mr. Youngquist said the restrictions would be in the bedrooms. He could keep it near the same square footage with some expansion.

Mr. Sheedy asked if he conformed to the front setback how would that impact the footprint of the house. Mr. Batista replied because of the angle of the road the impact would be three and a half feet on one side and seven feet on the other side. He had the surveyors use a 24'x 32' building. He then approached the Board and displayed the plan. Mr. Carmichael asked if he was requesting variances for the setbacks or was he proposing to not go any closer than the 20.5 from each side, the 32.5 from the front, and the 32 from the rear. The Board would need to set those parameters now. Mr. Batista was fine with that. He noted he was moving the home further back from the street as well as the neighboring homes.

Mr. Carmichael asked what the square footage of the original home that was there now. Mr. Batista estimated 600 square feet. The Board then discussed the square feet of the proposed dwelling. It would be approximately 1,500 square feet. Mr. Batista said the first floor was going to be a garage. He was willing to conform the best he could. Mr. Youngquist noted that by placing the house in the middle of the lot, he was doing the best he could. He was not really increasing the square footage of living space significantly, but putting a garage underneath it.

Mr. Youngquist asked if there were any neighbors present that would like to speak. Mr. Brian Shinney of 26 Pilgrim Road consulted the plan. Mr. Batista then discussed the style of the proposed house. Although he did not have drawings, it was to be a farmhouse style cottage. He said that everything across the street is cottage style, but there was a farmhouse style home to the left. He estimated the height of the house would be under 32 feet.

Mr. Shinney then asked how high the lot would be raised, and if there was drainage proposed. Mr. Carmichael asked if he would be willing to put his downspouts into a dry well. Mr. Batista said he would have no problem with that. He would think that there would be a swale between the two properties and have it going towards the back, but he would be willing to do whatever is required and work with the neighbors. He will be living in the house, and he would not want to start off on a bad foot. He would be the one building the house and if there were any issues, he would welcome working with the neighbors with any concerns. Mr. Batista noted that he had no intention of raising the property just the septic in the back.

Ms. Leigh Brienzo of 25 Pilgrim Road then spoke. She advised that there was a problem with a very bad water table. How high is the house going to be? Will it be taller than the power lines and will that affect anything? Mr. Youngquist said as far as he was concerned, it did not. He estimated the house would be 26 to 28 feet above the ground. Ms. Brienzo noted that her whole life the structure had only been a one bedroom. Mr. Batista said that he had not gone inside. Mr. Carmichael added that there will be a two-bedroom restriction. Ms. Brienzo then asked if he planned on taking out the existing cesspool. Mr. Batista replied that it is all part of the Board of Health requirements for the proposed new system.

Mr. Youngquist then read comments from the Town Boards into the record. The April 19, 2022, memo from the Planning Board had no comment regarding the petition. The March 23, 2022, letter from the Board of Health stated that the applicant had an approved septic plan for the proposed two-bedroom dwelling. They had no objections as long as they received a copy of the building plans to confirm that it would only be a two-bedroom dwelling. The April 19, 2022, memo from the Conservation Commission stated there were no wetland issues on the site.

Mr. Youngquist asked if Board members had any other questions. There were none. Mr. Carmichael then made a motion to approve the petition for a Special Permit, seconded by Mr. Sheedy, with the following condition:

1. The front and rear setbacks will not exceed 32 feet to the foundation.
The side setbacks will not exceed 20 feet to the foundation.

Roll Call Vote: Mr. Carmichael-Aye, Mr. Noble-Aye, Mr. Sheedy-Aye, Mr. Youngquist-Aye

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

The hearing closed at 7:35.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health correspondence of March 23, 2022
- Conservation Commission email of April 19, 2022
- Planning Board correspondence of April 19, 2022

Steinberg/Collins hearing – 7 Carrie Street

Mr. Youngquist opened the hearing and read the legal ad into the record. Ms. Courtney Steinberg was filling in for Mr. Steinberg, the general contractor, who was away on a family emergency. Mr. & Mrs. Collins were also present. Ms. Steinberg advised that the Collins were proposing a front and rear porch to be added to their home. Mr. Youngquist noted the sketch he had received was a little rough. Were they proposing a rear porch which is 10 feet wide and x 25.6 inches? Mr. Collins said that was correct. Mr. Youngquist continued, in the front were they proposing an 8 foot by 28-foot porch? Ms. Steinberg replied that was also correct. Mr. Youngquist asked if they were enclosed. Mr. Collins said they were just decks with a cover running over the door in the center.

Mr. Youngquist asked Board members if there were any questions. Mr. Carmichael clarified that they said porch and it says deck so it was a sundeck not a covered porch? Ms. Steinberg said that was right. There were no other questions from Board or audience members.

Mr. Youngquist then read comments from the Town Boards into the record. The April 14, 2022, letter from the Board of Health stated that provided no part of the deck would be within five feet of any septic component, the Board had no objection to the proposed decks. The April 19, 2022, memo from the Conservation Commission stated there were no wetland issues on the site. The April 19, 2022, memo from the Planning Board had no comment regarding the petition.

Mr. Noble then made a motion to approve the petition for a Special Permit. It was seconded by Mr. Sheedy.

Roll Call Vote: Mr. Carmichael-Aye, Mr. Noble-Aye, Mr. Sheedy-Aye, Mr. Youngquist-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 correspondence of April 14, 2022

Conservation Commission email of April 19, 2022
Planning Board correspondence of April 19, 2022

Approve meeting minutes

The minutes will be put on the next meeting agenda.

Old Business

There was no old business.

New Business

There was no new business.

Next meeting

Mr. Youngquist advised the next meeting is scheduled for May 19, 2022, at 7:00 p.m.

Adjourn

Mr. Carmichael made a motion, seconded by Mr. Noble, to adjourn the meeting. The **vote** was **unanimous for**.

Meeting adjourned at 7:42.