

**Zoning Board of Appeals and Planning Board – Joint meeting
Lakeville, Massachusetts
Minutes of Meeting
July 28, 2022**

On July 28, 2022, the Zoning Board held a meeting at the Lakeville Public Library. The meeting was called to order by Chairman Olivieri at 6:15 p.m. He asked if anyone present was recording the meeting. There was no response. LakeCam was making a video recording.

Members present:

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

Others present:

Marc Resnick, Town Planner

Dixon hearing, continued – 36 Main Street

Mr. Olivieri opened the continued Dixon hearing at 6:15. He advised they had received an email requesting a continuance which he then read into the record.

Mr. Youngquist made a motion, seconded by Mr. Noble, to continue the Dixon hearing until August 18, 2022. The time would be 7:00 p.m. The vote was **unanimous for**.

The hearing closed at 6:16.

Documents distributed for the hearing:

Applicant email of July 21, 2022

Huerth hearing – 8 Edgewater Drive

Mr. Olivieri opened the Huerth hearing at 6:16 and read the legal ad into the record. Mr. Huerth replied that they would like to take the existing A frame and change it to a shed frame to increase the head space in this loft area which was already finished. Mr. Olivieri then read comments from the Town Boards into the record. The July 28, 2022, letter from the Conservation Commission stated the proposed construction was within 100 feet of the buffer zone and would require a filing for a Request for Determination (RDA). The July 20, 2022, letter from the Board of Health stated the septic tank had been relocated in March of 2021 and an as-built plan showing the new location had not been submitted. They recommended the applicant submit an as-built plan to the Board of Health and bring the property into compliance before an approval is issued. The July 25, 2022, memo from the Planning Board had no comment regarding the petition.

Mr. Olivieri advised he had also spoken to the Building Commissioner regarding an email that he had sent earlier in the day and which he then read into the record. The Building Commissioner had stated that after consulting with the Health Agent, a Special Permit condition requiring Board of Health approval prior to the issuance of a building permit would provide assurance of the as-built submission while not delaying the project. Mr. Olivieri stated that if the Board was to approve this it would be conditioned that an as-built would have to be submitted to the Board of Health.

Mr. Olivieri asked Board members if there were any comments or questions. He then asked if anyone in the audience would like to speak for or against the petition. Mr. Michael Martowska of 2 Edgewater Drive then spoke. He stated he had concerns regarding the proposal. This building used to be a garage and over the years had been converted to a house, and it is shown on the plan as a one-bedroom apartment. He noted the septic system was not that old but it had been built to only accommodate a one-bedroom apartment and the two-bedroom residential dwelling. If they are adding this space it will be much larger than the loft bedroom there, and it appears that it will be an additional bedroom. What will this additional space be used for? Mr. Martowska also noted that in the past people talk about keeping the character of the neighborhood, but this is the first house that would have two stories that would be right on the property line. He also stated there was already a lot of coverage for this tiny lot. Mr. Martowska felt this proposal was detrimental because it was going to put stress on the septic system as well as being close to the lake.

Mr. Olivieri replied in regards to if it was called a bedroom and the increase in flow to the septic system, it was not really the Zoning Board's purview to label what rooms can be used for in a house. This would be under the purview of the Board of Health. If Mr. Martowska had questions or concerns in regards to that, he should address it with the Board of Health. He asked if there were any additional comments from the audience. There were none.

Mr. Olivieri then advised the petitioners that they would need a super majority for an approval. They only have four members present so the vote would have to be unanimous. They could also ask to continue the hearing until a full Board was present. Mr. Huerth said they would proceed.

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

1. An as-built plan for the septic system will be provided to the Board of Health

The **vote** was **unanimous for**.

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

The hearing closed at 6:31.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health correspondence of July 20, 2022
- Conservation Commission memo of July 28, 2022
- Planning Board memo of July 25, 2022

Approve meeting minutes

Mr. Noble made a motion, seconded by Mr. Youngquist, to approve the meeting minutes from the June 16, 2022 meeting. The vote was **unanimous for**.

Mr. Sheedy joined the meeting at this time.

Old Business

There was no old business.

New Business

There was no new business.

The Board then took a recess at 6:35 until their joint meeting with the Planning Board at 7:00 p.m. Mr. Carmichael joined the meeting during the recess.

TAC VEGA MA Owner, LLC hearing, continued – 310 Kenneth W. Welch Drive

Mr. Olivieri opened the continued TAC VEGA MA Owner hearing at 7:00. He advised they were now holding a joint meeting with the Planning Board in regards to this hearing and the request for a Variance for lot coverage.

The Planning Board meeting was then called to order by Chairman Knox at 7:00 p.m. Members in attendance were Mark Knox, Chair; Peter Conroy, Vice-Chair; Nora Cline and Michele MacEachern

Mr. Terrence Russell from Epstein, located at 600 West Fulton Street in Chicago, was present. He represented Vega Strategic. Ms. Natalie Brown was the landscape architect from Brown and Sardina. Mr. Knox said they had reviewed the plan. His biggest concern was they had received a water summary, and it calls out the occupants of the building Northeast Alternatives and Jushi both anticipate approximately 150 employees at their peak shift which would be about 250 vehicles. Mr. Russell replied with handicap parking they have provided about 212 spaces. That is all they can get on the site and still be sensitive to the site coverage. Mr. Knox said that did not seem like it would rectify the offsite parking that they still see. The concern has been raised that what is being proposed does not have a plan for the additional 20-30 cars on day one. Mr. Russell replied there is discussion on remote parking and being able to shuttle employees, but at this point nothing is definitive.

Mr. Russell said they hey have done the best they can to maximize the site and still allow some landscape area in the front. Mr. Knox asked if this has been presented to the Board of Health to see if the current septic system would handle the increase in the number of employees and flow. Mr. Russell said he could only speak to the Jushi portion. Right now, their waste goes to a tank that is pumped. From what they can tell from their investigations, they are not using the septic

field that is under the front drive. Northeast Alternatives has a septic system, but he does not know what has happened with it. Mr. Knox said they would need something from Board of Health. Mr. Knox noted that this plan hasn't been sent out for peer review. Mr. Resnick added they will have to send it out to Environmental Partners to review the drainage report. The Board of Selectmen have also requested certain information on water usage because if you calculate the maximum capacity of all the usage, it approaches the Town's total allocation from Taunton. He noted the two Towns have agreed to work together to try and figure out exactly what the total usage is; what has been allocated; and then work toward adjusting the agreement.

Mr. Knox asked if more space could be found on the site for parking if additional relief was granted. Mr. Russell replied they would have to replace some of the wetlands in order to do that. They are right up against the 50-foot buffer and to be able to maintain that, they would have to replace 3,000 square feet a two-for-one replacement. If they had to replace it on site, he thought they would run out of space. The grade in the back also drops off and goes into a flood zone area. Mr. Russell noted that with the available space they have, this plan is the best they can do. Mr. Knox stated he agreed with that, but would like reassurance that if the proposed plan and Variance are approved that the parking across the street on Town property parking would not continue. Ms. Cline added that there is an issue the company can address. She observed cars parking on the street when there were parking spaces available. Mr. Russell said that he had also observed that.

Mr. Olivieri said the 3% Variance for lot coverage that is requested sounds like it will reduce the problem but not get rid of it. He would ask what the building owner or tenants will put in place to guarantee that the issue is not going to continue to happen. He felt that someone had to come back to the Planning Board to address that. If the Zoning Board was so inclined, they could potentially move forward to entertain the request for a Variance. Mr. Russell said he will bring this back to the building owner and see if they can come up with some alternative ideas, such as shuttle buses from other parking lots.

Mr. Youngquist then made a motion, seconded by Mr. Noble, to continue the TAC VEGA MA Owner, LLC hearing, until August 18, 2022, at 7:00 p.m. The **vote was unanimous for.**

Mr. Russell noted that he would be unable to get this all resolved by August 11th, the date of the next Planning Board meeting. He felt that August 25th would be a more doable date from his end. They will need to rethink this, and if it did require a more significant site coverage would that be something the Board would consider, possibly up to 80% if they could get it to work? Mr. Knox replied to do the math on what they could achieve and see what works. He didn't think they should be coming back to the Zoning Board multiple times for relief, but rather they should do this once and get it right.

Mr. Olivieri then advised if the applicant would not be ready for their next meeting, they would have to push them out until their September meeting. Mr. Youngquist then rescinded his original motion and made a motion to continue the TAC VEGA MA Owner, LLC hearing, until September 15, 2022, at 7:00 p.m. It was seconded by Mr. Noble. The **vote was unanimous for.**

Documents distributed for the hearing:

- Epstein response memo to review comments from June 16, 2022 meeting
- Amended Site Plan revised July 21, 2022
- Conservation Commission memo of July 27, 2022

Zoning Board of Appeals Adjournment

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

Meeting adjourned at 7:28.

The adjournment was for the Zoning Board of Appeals only. The Planning Board then continued with its meeting.