

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
September 15, 2022**

On September 15, 2022, the Zoning Board held a meeting at the Lakeville Public Library. The meeting was called to order by Chairman Olivieri at 7:02 p.m. He asked if anyone present was recording the meeting. There was no response. LakeCam was making a video recording. Mr. Olivieri said that he would be taking items from the agenda out of order this evening.

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 advised there was an email from the applicant requesting to continue and be placed on their next agenda. Mr. Youngquist then made a motion, seconded by Mr. Noble, to continue the Dixon hearing until October 20, 2022 at 7:00 p.m. The vote was **unanimous for**.

Scott hearing – 9 Rush Pond Road

Mr. Olivieri opened the Scott hearing at 7:03 and read the legal ad into the record. Mr. Scott was present and advised that had wanted to put a shed on his lot. He has taken seven trees down and hired a surveyor to make sure of all the exact locations. He has discovered that Lakeville owns more land on his setback from the street than he realized, which is why he is intruding 10 feet into the 40-foot front setback. If he was to move the shed, it would not look aesthetically pleasing and he would also have to take down additional trees so he is requesting a Special Permit.

Mr. Olivieri then read the September 7, 2022, letter from the Board of Health into the record. They had no objection to the proposed shed. The September 13, 2022, memo from the Planning Board had no comment regarding the petition. Mr. Olivieri asked Board members if they had any questions or comments. There were none. Mr. Olivieri then discussed the paved Town roadway and right of way. It was noted that there was approximately ten feet from the actual paved surface. Mr. Olivieri asked if anyone in the audience would like to speak to this petition. No one spoke.

Mr. Youngquist then made a motion, seconded by Mr. Noble, to grant the Special Permit. The vote was **unanimous for**.

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

The hearing closed at 7:12.

Documents distributed for the hearing:

Petition packet

Legal ad

Board of Health correspondence of September 7, 2022

Planning Board memo of September 13, 2022

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

Mr. Olivieri opened the continued TAC VEGA MA Owner hearing at 7:12. Mr. Terrence Russell from Epstein Global was present. He advised they had been working with the building owners for a number of months trying to get the parking issue resolved and satisfy the Planning Board. They went back and looked at the plan and found if they could increase the site coverage to approximately 77%, they could add another 41 spots bringing the total number of parking on site to 250 spots. He said the problem with that is that they are in the wetlands, so that will have to be mitigated and they will have to go through the Conservation Commission. They have not started any of that work as they would need the approval of both the Planning and Zoning Boards.

Mr. Olivieri said so they were now asking for an additional 7% or a 4% increase from what had been submitted. He asked if this will take care of the parking issue. If they were to go forward, they don't want to see this back before them because they still have cars parked on the road and where they are not supposed to be. Mr. Russell replied the lease is stated that the building owner will provide x number of spots per tenant and if the tenant requires any additional spots beyond that it is up to the tenant to find the spots for their employees. They are confident that this is good progress in solving the issue. Going forward, it would fall to the building tenants to address any additional spots, such as leasing space and providing a shuttle.

Mr. Olivieri asked Mr. Resnick if it was uncommon for other Towns to go over 70% coverage. He replied that it was not. Some Towns go up to 80% and some have no lot coverage requirement but have setback and buffering requirements which are intended to protect the abutters. Mr. Youngquist felt that, although not their purview, the septic system could be an issue. Mr. Russell said that is not part of his contract but that the owner was working with another consultant on the septic system. Mr. Carmichael asked if the Fire Department had seen the Plan and if they could get their vehicles in there. Mr. Russell replied they have not seen it, but they have run it through their software and the fire trucks can be maneuvered through there safely. Mr. Carmichael asked if it would be okay with him to issue this based on final Fire Department, Stormwater, and Conservation approval if they so move to. Mr. Resnick said when they get stormwater and the other revisions, they will submit them to the other Boards before the Planning Board issues final Site Plan approval.

Mr. Olivieri asked what could be done to reassure the Town as a whole that they have alleviated the parking across the street and on other properties going forward. Could there be some type of condition if they were so inclined to grant the Variance? Mr. Resnick said that since the building owner is providing an adequate number of spaces on site, he suggested they require them to do

something to ensure that people don't park where they are not supposed to. He would recommend that the Board upon completion of the parking lot require the building owner install a guard rail along that side of Kenneth W, Welch Drive to prevent parking on that side. Permission would also need to be granted by the Select Board because it is a Town road. This ongoing issue will hopefully then be resolved.

Mr. Russell asked about no parking signs. Mr. Olivieri replied that people have been parking there for quite a while. Even though there will be spots for them, they might not want to walk and find that parking on the street has been easier. This puts an impediment to that and could be the solution to solving this permanently. Mr. Olivieri asked Mr. Russell if he would like to confirm this with his client that they would be agreeable. The Board would make this a condition of the Special Permit. It was noted if the Select Board did not want to approve any barrier, the applicant would have to come back and have discussion because they could not meet that condition. After discussion, it was suggested to postpone the hearing so Mr. Russell could try to contact the building owner for this approval of the proposed condition.

The Residences at LeBaron Hills, LLC – Accept peer review update and proposal

Mr. Olivieri said that it was decided after the last meeting in August, they were going to do some research and start the process of looking for peer review on a number of items in the project. Mr. Resnick said that he had a list of other engineering firms, many of which provide a comprehensive review of services such as traffic, wetlands, civil, etc. He has spoken to a couple of these firms and is now waiting for proposals for their cost breakdowns. When he receives that information, they can review them at the hearing and he will forward them to Mr. Itani. He has also spoken to a local engineering firm that provides inspectional services for construction inspections. Mr. Olivieri said that right now they are researching and doing their due diligence, with the goal to have the potential firms that would be available for them at their next meeting. Mr. Resnick said that was correct.

Meeting minutes

Mr. Noble made a motion, seconded by Mr. Carmichael, to approve the meeting minutes from the August 18, 2022 meeting. The vote was **unanimous for**.

Discuss adoption of the Mullin Rule

Mr. Resnick advised the Mullin Rule is a statute that was passed that allows a Board member of a Board that holds hearings such as the Zoning Board, Planning Board, and Conservation Commission to miss a meeting, but yet still vote if they review all the submitted documentation, minutes of the meeting or view the video. They then go to the Town Clerk's Office and sign a form certifying that they have reviewed all the information that had been presented at the meeting. They will then be allowed to vote on that application. He stated that you could only miss one meeting.

Mr. Olivieri noted that they do sometimes have hearings that go on for several months and if a meeting is missed by someone it could create a little havoc. He thought it made sense to adopt this rule. Members agreed. Mr. Resnick said the Planning Board has sent an Article for the adoption of the Mullin Rule to the Selectmen to be placed on the Warrant. If the Zoning Board votes in favor of this, they will send a memo to the Select Board asking them to add the Zoning Board to that Article.

Mr. Youngquist made a motion, seconded by Mr. Carmichael, to request the Selectmen add the Zoning Board as one of the Boards that is able to adopt the Mullin Rule. The **vote was unanimous for.**

Meet with Anthony Zucco regarding application for an opening on the ZBA.

Mr. Olivieri said that everyone should have received a resume email from Mr. Zucco regarding his interest in an opening for an Associate member on the Board. He was under the assumption that he would be here, but Mr. Zucco was not present. The Board will invite him to their next meeting.

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

Mr. Russell returned to the meeting. He advised the building owner will agree to the condition of a guardrail. The material of the guardrail was also discussed. Mr. Russell said that they will look at some options. They have a roadway division in the company, so they can determine what is right. He clarified that this would not be an impact guardrail. Mr. Olivieri said that was correct. This would only be something simple to prevent people from parking.

Mr. Carmichael made a motion to approve the application as amended to 77%. It is subject to approval by other Town Boards and Departments and any local, state, and federal ordinances. It is further conditioned with a guardrail as approved by the Board of Selectmen. It was seconded by Mr. Youngquist. The **vote was unanimous for.**

The hearing closed at 7:53.

Next meeting

The next meeting is scheduled for October 20, 2022, at 7:00 p.m.

Adjourn

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

Meeting adjourned at 7:54.