

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
November 3, 2022**

On November 3, 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.

Members present:

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

Others present:

Atty. Amy Kwesell, Town Counsel; Marc Resnick, Town Planner

The Residences at LeBaron Hills, LLC hearing - continued

Atty. Robert Mather was present for the applicant. He advised the original request submitted was a request for modification to the original Comprehensive Permit. They sent in a notice of project change which included six specific items. Five of those six items had to do with Phase 6. One of them was related to Phase 5. He then submitted a letter to the Board with a revised notice of project change. Atty. Mather said this letter is a request to withdraw Item #'s 1, 3, 4, 5, and 6, which are all the items that deal with Phase 6, and the proposed new entrance on Precinct Street. This leaves Item #2 which is the modification to the existing Phase 5. Phase 5 is the phase that has multi-unit townhouses. The request is to add four more smaller buildings. Three would have ten units, and one would have five units.

Atty. Mather said the applicant has not given up the idea of Phase 6, as Phase 6 will close out the Comprehensive Permit. However, he has run out of inventory. They realized the way the request had been submitted, they could not ask the Board to approve just one phase and not the other. They also realized the modification to add Phase 6 is a significant request. That is why they are asking to remove it and deal only with Phase 5. He noted that Phase 6 will still be proposed, but with some revisions based on feedback that had been heard at the original meeting in August. He then asked the Board to vote on the withdrawal request, without prejudice, leaving only the revision to Phase 5 currently before the Board.

Atty. Kwesell stated for Mr. Olivieri that she agreed with proceeding like this, as it had been her recommendation. Mr. Olivieri advised, per Atty. Mather's request in his letter of November 3, 2022, they would be accepting it and removing anything to do with Phase 6 in the original request and only acting on Phase 5. He would entertain that motion now. Mr. Carmichael made that motion. It was seconded by Mr. Campeau. The **vote was unanimous for.**

Atty. Mather continued that the existing Phase 5 was approved for 52 units in four townhouse style buildings; two with fourteen units and two with twelve units. The modification request will add four new buildings; three with ten units and one five-unit building. This will be in the area between the Fairways apartment and the existing townhouse project. The buildings will be noticeably smaller than the ones that are existing. Tonight, they would like the Board's feelings or ideas on this concept. If they are okay with the concept, it will allow them to prepare the detailed plans which will then be available for review.

Atty. Mather advised they had looked over the peer review engineer proposals provided by the Town Planner, and would prefer to go with the BSC Group. He estimated it would take a month to produce the detailed plans and a month for them to be reviewed. They should be ready for the Board's January meeting. Atty. Kwesell clarified that under Chapter 44, Section 53G, the Town would engage the peer review engineer. The applicant will provide funds to the Town that will go into a 53G Account, and the engineer would be paid from that. Any money left over is returned to the applicant.

Mr. Mohamad Itani, developer of the property, then displayed the Plan and pointed out the location where they are requesting to expand. The four proposed buildings would finish that area. He then showed how they had modified the design of the building for a softer look, as well as a picture of the same building that had been built in a different community. He noted that each townhouse will have a garage, and a parking spot with room for maybe two more cars on the outside. They have not determined the final configuration of the units, but he thought that half will be townhouses and half will be stacked to accommodate people that are looking for first level living. The five-unit building will most likely be all town houses. One ten-unit building may be all townhouses and one will be the first and second level. The third one will be market conditions of what they find to be in demand. He would have the break down for the next meeting.

Atty. Kwesell clarified that even with the stacked units, there would be no shared spaces. Mr. Itani said that was correct. He then showed how the access would work, including to the basement. Mr. Resnick asked Mr. Itani to bring to the next meeting a breakdown of the location and the number of affordable units. He should also provide information on which and how many will be the townhouse or the garden style units, as well as how many will be in each building.

Atty. Kwesell asked if the number of bedrooms was the same. Mr. Itani said they are all two bedrooms. She then asked how he was keeping the required three-bedroom count of 10%. He replied that amount is within the entire community. They have a lot of three-bedroom units but each phase is not required to have 10%. Atty. Kwesell noted that this was a new phase or an expansion of Phase 5. She was aware of the modifications to the project but was questioning if the DHCD regulation that calls for 10% of the units to have three bedrooms has been met. The affordable units must also be dispersed equally amongst the project. Assuming those are all in the single-family house phase, it means they are not equally dispersed. Mr. Itani noted Phase 6 would have some three bedrooms. Atty. Kwesell asked where the three-bedroom affordable units were now. Mr. Itani replied they did not have any in the community other than the single-family homes. Atty. Kwesell questioned how this could have been allowed. After further discussion, Mr. Olivieri recommended the applicant bring in some type of confirmation from DHCD that this was allowable. Atty. Mather said they will contact DHCD before the next meeting.

Mr. Campeau asked how economic factors were impacting the decision making for this Phase as well as Phase 6. Mr. Itani replied they tried to acquire additional land to try to keep the same concept they have today. They don't have enough land to build the 386 units the way the project has been going. He noted that at this point there is still a lot of demand for these units. Phase 6 will have three 36-unit buildings with a combination of one, two, and three-bedrooms. That is not changing, just the configuration is.

Mr. Noble asked for an explanation of the parking. Mr. Itani displayed the plan and stated that each unit will have its own single garage and outside the units, there will be two other parking spots. Technically, one will block the garage. They are also proposing an additional visitors parking area. Mr. Carmichael asked if the engineers had looked at the turn at the end for the Fire Department requirements. Mr. Itani replied they have not yet looked at it. Mr. Carmichael asked if he would be willing to add near this access road another entrance to LeBaron. Mr. Itani pointed it out on the Plan.

Mr. Olivieri then opened the hearing to public comment. Ms. Linda Buckley of 13 Sandy Circle asked if that meant there would not be a residential access to Precinct Street. Mr. Itani replied currently there is only emergency access to Fern Avenue, which is how this community was originally approved. Mr. Olivieri added that the additional access portion of Phase 6 will be reintroduced at a later date. Ms. Carol D'errico of 15 Sandy Circle asked if they had any feedback from DEP in regards to the request for an increase in the number of units using the wastewater treatment plant. Atty. Mather said that request, as well as the traffic pattern, would be addressed in Phase 6. Ms. D'errico noted there is now a significant amount of traffic, and they are trying to help prevent speeding. There were no further comments.

Atty. Mather then stated they understood the significance of the issue that Atty. Kwesell had raised. He advised they will have Atty. Peter Freeman, who had also been part of this project and is considered a 40B expert, become involved in this. They will contact DHCD for confirmation regarding if the current and proposed configuration is appropriate. Now, they would like to know if the Board was agreeable to the concept before final plans are drawn up. Mr. Olivieri said they were fine with the concept, but that should not be taken as an authorization of approval. He recommended they consult with the Fire Chief as it appeared there might be an issue with the turning radius.

Mr. Carmichael asked where this is tying into the wastewater, and what is the water supply for these proposed units. Mr. Itani replied the capacity of the treatment plant will accommodate those units. It should also accommodate Phase 6, but DEP approval will be required. Mr. Resnick requested a picture of the rear of the building be available for their next meeting. He added that currently everyone is using LeBaron Boulevard for access, and they should consider requiring construction vehicles and deliveries to come through Fern Avenue moving forward. Mr. Itani replied right now construction traffic goes through Country Club Lane, which is the street they had put in place. Mr. Olivieri asked that Mr. Itani inform everyone of this.

Mr. Olivieri then asked Atty. Kwesell if a vote from the Board was needed. She recommended they approve the number of units rather than the number of buildings, explaining that number of units in each building might have to change pending feedback from the Fire Department and the parking situation. Mr. Olivieri then asked if any Board member was opposed to the 35 units in

total in the concept that had been presented to them. No one spoke. Atty. Mather then asked the Board to designate the peer review engineer.

Mr. Olivieri explained they had a peer review engineer they had used in the past that had retired. Mr. Resnick had been charged with going out to some engineering firms that could act as peer review for the Board. Mr. Resnick advised that their original peer review firm has been Environmental Partners. Two additional firms that had been contacted were the BSC Group and Beals & Thomas. He was familiar with both, and had proposals from them. He noted that all three firms were highly qualified and competent. Members agreed they had not had adequate time to review the proposals, and would prefer to decide at their next meeting on November 17th.

Atty. Mather then requested to continue the hearing until their January meeting. Mr. Campeau made a motion, seconded by Mr. Carmichael, to continue The Residences at LeBaron Hills, LLC hearing until January 19, 2023, at 7:00 p.m. The **vote** was **unanimous for**.

The hearing closed at 8:01.

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

Mr. Zucco was present. He stated he wanted to apply to a Board and be involved in the Town. He was an electrician and had his own business in Bridgewater. Board members then introduced themselves. Mr. Olivieri briefly explained when the Board meets and what their responsibility was. Mr. Campeau then made a motion, seconded by Mr. Sheedy, to recommend the Board of Selectmen appoint Anthony Zucco as an associate member of the Zoning Board. The **vote** was **unanimous for**.

Correspondence

There was no correspondence to review.

Next meeting

The next meeting is scheduled for November 17, 2022, at 7:00 p.m. at the Lakeville Public Library.

Adjourn

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

Meeting adjourned at 8:14.