

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
March 30, 2023**

On March 30, 2023, the Zoning Board held a meeting at the Lakeville Public Library. The meeting was called to order by Chairman Olivieri at 7:04 p.m. LakeCam was making a video recording.

Members present:

John Olivieri, Jr., Chair; Jeff Youngquist, Vice-Chair; Gerald Noble, Clerk; Christopher Campeau, Member; Christopher Sheedy, Associate; Anthony Zucco, Associate

Others present:

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

I.D. Sign Group hearing – 15 Main Street

Mr. Olivieri opened the I.D. Sign Group at 7:05 p.m. and read the legal ad into the record. Mr. Bob Crisafulli, from I.D. Sign Group was present. He stated that they were requesting a Special Permit to illuminate a monument sign that is going into True Value Storage at 15 Main Street. Mr. Olivieri then read the March 24, 2023, memo from the Planning Board into the record. The Planning Board requested the sign bylaw as written be followed. Mr. Olivieri then asked members for comments.

Mr. Youngquist said he had some concerns as they had previously denied applicants for the same thing. He asked if this complied with the new sign bylaw. Ms. Murray replied that the size did comply. However, a Special Permit is now required for any illuminated sign. Mr. Sheedy asked if there would be any illuminated signage added to the interior of the building where they have all of the glass. Mr. Crisafulli replied there will be a non-illuminated sign that is going on the building, but this is the only sign that would be lit on the property. There were no other comments or questions from the Board or any audience member.

Mr. Noble made a motion, seconded by Mr. Sheedy, to approve the Special Permit for the illumination of the sign and the manual changeable message board section underneath. The **vote** was **unanimous for**.

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

The hearing closed at 7:10.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Planning Board memo of March 24, 2023

Garbitt/Pike hearing – 29 Staples Shore Road

Mr. Olivieri opened the Garbitt/Pike hearing at 7:11 and read the legal ad into the record. Mr. Jamie Bissonnette from Zenith Consulting Engineers was present. He displayed the plan and stated Mr. Pike and Ms. Garbitt live in the existing house with her mother. They would like to take down the front portion of the house and keep the remaining back box as the in-law portion. They will construct a new portion in the front. He has worked with their architect to fit something that would not go beyond the existing non-conformities. They were able to come up with something that has a nice balance. It has been presented to the Building Commissioner. Mr. Bissonnette did not think he had much of a concern as they were becoming more conforming as far as the side setback. They scaled back the size of the porch so that it would meet the existing front setback and were now requesting a Special Permit to begin this project.

Mr. Olivieri then then read comments from the Town Boards into the record. The March 24, 2023, memo from the Planning Board had no comment regarding the petition. The March 28, 2023, letter from the Board of Health advised they had recently approved plans for a four-bedroom septic system and a new well was also installed. Therefore, they had no objection to the proposed project providing it will have four bedrooms or less. Mr. Olivieri asked members if they had any questions. There were none. He then asked if anyone in the audience had any questions or comments. No one spoke.

Mr. Zucco then made a motion, seconded by Mr. Youngquist, to approve the Special Permit as applied for. The **vote was unanimous for.**

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

The hearing closed at 7:15.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health letter of March 28, 2023
- Planning Board memo of March 24, 2023

North Bedford Crossing LLC hearing – 109 Bedford Street - continued

Mr. Olivieri turned over the Chair position for this hearing to Mr. Youngquist. Mr. Jamie Bissonnette from Zenith Consulting Engineers was present. He advised that he had not been present at the last meeting but there had been some items that were brought up by Beals & Thomas. They have replied to those items and sent in revised plans, which the Board should also have. Beals & Thomas has come back with what he would a call a relatively clean letter. He then discussed the changes that had been made.

Mr. Bissonnette said they have worked with the neighbor to the south who have the horses with their fence and the encroachments. In the front portion, they will be given an easement so their existing gas line, driveway, and utility can stay where it is. They have moved the roadway so the grading can accommodate that. In the back, they are also doing an easement to accommodate their

horse fence. They will still have to change a portion of it so the road can be constructed with the grading, but there are parts of it which will remain and parts of it which will be modified. He noted they had met with the owners on site, who he described as seeming pleased with what they were able to do.

Mr. Bissonnette said they had also been asked to provide some vegetation to the north from an abutter and fencing in the back. They have added the fencing which he indicated on the plan. He also showed on the landscaping plan the additional trees and screening. Regarding the fencing, Mr. Bissonnette said they are proposing it one foot onto the neighbor's property who will then own it. The Attorney will come up with an agreement so they can construct it or pay to have it constructed on their property and it will be theirs. If they don't want that, they would have to report back to the Board.

Mr. Bissonnette said they have also added a plan called the building blocks plan. The reason for that is to help them avoid future problems. They show houses for the building themselves on each lot with zoning requirement waivers. They then took a plan and put the building boxes because someone might ask for an eight-foot porch instead of ten or twelve feet, etc. They just wanted to have some flexibility to be able to work within the constraints of the lot if potential purchasers want to customize. This plan shows the Board the parameters of what they can build based on the waivers they have requested. When asked, Mr. Bissonnette further explained that a building box is when they are taking an offset from the proposed property lines and placing a box where anything within that box can be built. They also have to meet the area that they have for the drainage design for for each of those lots.

Mr. Youngquist asked for further information regarding the fence. Mr. Bissonnette replied the fence goes for the two lots that have houses on them. There are two vacant lots further down where they were not proposing fencing. He displayed where the fence would start on the property line of Mr. Reed and would end at Mr. Hainley's house. Mr. Hainley, of 5 Paddock Hill Drive, then spoke. He advised that he currently had a stockade type fence and if possible, he would like the proposed fence to match. Mr. Bissonnette replied that he thought they were proposing a six-foot wooden stockade style fence. It would be one foot on Mr. Hainley's property so he would own it. Mr. Hainley then asked how many houses would be behind him, and if they would have elevated decks. Mr. Bissonnette said there would two and a half homes behind him. He did not believe there would-be two-story decks, but it could happen. He noted that those lots would all have a 20-foot setback.

Mr. Youngquist then asked if any other abutter had any questions or comments. Mr. Matt Cote, from Beals & Thomas, the peer review engineer then spoke. He advised they had offered initial correspondence in February and most recently on March 10th. As the applicant indicated, the letter came back fairly clean. There are some things in there for the Board's consideration relative to the waivers and other things they are asking for, but nothing that they see as troubling or too concerning. One thing is, they are showing some snow storage areas adjacent to the stormwater basin. They would prefer they move that away from the basin, so there are no impacts from contaminants from the plowing operations. Other waivers requested were not what they would consider deal breakers, but were at the discretion of the Board.

Atty. O'Shaughnessy stated that they had been asked to provide a plan for the affordable units, which he distributed to Board members.

Mr. Noble then made a motion seconded by Mr. Sheedy, to accept the affordable unit plan into the record. Mr. Youngquist, Mr. Noble, Mr. Campeau, Mr. Sheedy, Mr. Zucco-**Aye**; Mr. Olivieri-**Abstain**

It was noted by Atty. O'Shaughnessy that the affordable units were proposed on Lots one, four, and eight. They would be indistinguishable from the market rate units. He advised they had no additional information to present tonight and would like to talk about any conditions the Board might want so they could move this along to a Decision. Mr. Noble asked what the process had been to identify the affordable units. Atty. O'Shaughnessy replied if the Board was not amenable to the locations, they are willing to shift them, but they were placed every third or fourth unit which is typical.

Mr. Hainley then asked again that the fence be of good quality and be something that would last. He believed his was spruce, and he would like something similar to it. Atty. O'Shaughnessy replied he thought they could take a look at the fence and match it up the best they could. Mr. Zucco said in regards to the Beals & Thomas recommendation on snow storage, he would like some signs at the end of the road that state 'no snow storage here.' He felt that anyone plowing would put the snow where ever easier and not know the plan. Mr. Bissonnette said they had been in front of the Conservation Commission this week. They had received an Order of Conditions for the project and not having the snow plowed into the basin was one of the conditions. Mr. Bissonnette said he did not think they would be opposed to a sign at the end. Mr. Youngquist then asked if there were any additional questions. No one spoke.

Mr. Sheedy made a motion, seconded by Mr. Zucco, to close the hearing.
Mr. Youngquist, Mr. Noble, Mr. Campeau, Mr. Sheedy, Mr. Zucco-**Aye**; Mr. Olivieri-**Abstain**

Atty. O'Shaughnessy said they would work out the Decision details with Mr. Resnick and Atty. Kwesell. It was also indicated that there were no requested changes to the revised plan set that had been presented. It was suggested to have everything completed by the next meeting of the Board on April 20th.

Meeting minutes

Mr. Zucco made a motion, seconded by Mr. Youngquist, to approve the meeting minutes from the February 16, 2023, meeting.

Mr. Youngquist, Mr. Campeau, Mr. Sheedy, Mr. Zucco, Mr. Olivieri – **Aye**; Mr. Noble-**Abstain**

The Residences at LeBaron Hills, LLC hearing – continued

Mr. Jeffrey Youngquist left the meeting. Mr. Olivieri asked for an update on the project. Atty. Robert Mather was present for the petitioner. He reviewed they were here for a modification to Phase 5. The plans had been reviewed, and he had put together a summary of the items that had been raised by the peer review. Some have been adequately addressed, some are in regards to the Conservation Commission, some are deferred to the ZBA, Fire Department, and other miscellaneous items.

Mr. Jason Youngquist, engineer from Outback Engineering, then updated the Board in regards to where they stand with the Conservation Commission. He advised they had been in front of the Conservation Commission on Tuesday to go over the revised plans. He noted that most of the engineering items had been addressed through the review from Beals and Thomas, and that the Commission would also be hiring Beals and Thomas to review the project from a wetland's standpoint. This would be more of the Notice of Intent filing, the wetland line, and a wet area up on top of the field that they wanted to discuss. That hearing has been continued until that review is complete.

Atty. Mather stated if the Board is so inclined to move forward today, they would suggest and accept the condition that it would be subject to the final receipt of all permits and approvals from the Conservation Commission. He noted there were several comments that were deferred to the ZBA. One was the waiver request which has since been submitted to the Board. Mr. Cody had pointed out that he was not a traffic review engineer, but he had reviewed the traffic and was okay with it. Atty. Mather advised that the traffic review had been done when they were contemplating both Phase 5 and Phase 6 and increasing the number of units, but that is not the case at this point. The original traffic report that was approved years ago was for 386 units, so they are still well under that amount.

Atty. Mather continued that there was also a request for clarification of the design intent for the site lighting. He noted they are just expanding Phase 5 and putting up three buildings. They will look just like the other buildings that are there including the parking and lighting. If the Board would like additional information, they would be happy to provide that. Atty. Mather said that there were a few comments that had been deferred to the Fire Department. Everything sent to the Fire Department has been reviewed, and they have not heard any comments from them. However, they do recognize that the applicant will have to comply with any conditions imposed by the Fire Department, especially the items mentioned by Mr. Cote, which were the adequacy of the emergency access and the adequacy of the fire fighting provisions.

Atty. Mather said Mr. Cote suggested conditions in several of the items and mentioned items five and eight where the applicant should document full Mass Architectural Access Board and ADA compliance during the building permit process, and they would expect that. Item 10 is that the applicant should document and confirm that adequate capacity is available in the water distribution network during the building permit process, and Item 21 that the applicant should provide a storm water pollution prevention plan prior to construction. In the miscellaneous category, there was a mention of the parking requirements and the architectural plans. Atty. Mather said they have not submitted the final architectural plans because Mr. Itani wanted to know that the Board was okay with the concept before proceeding with the final plans. In this case, they know what the buildings are going to look like, and they will have to submit those architectural plans before they get their building permit. Atty. Mather said that is a summary of the review.

Mr. Cote then advised the Board as the applicant has indicated, this is an accurate summary of where they stood after their letter of March 23rd. The one outstanding comment they had was the clarification on the parking. It was not clear how many spots there were, where the spots were, and where those handicap spaces are being placed in relation to the layout of the parking. Other than that, these things are going to be addressed or going to be no waivers at the discretion of the Board. In regards to the parking, Mr. Youngquist advised they were providing more spaces than what is required. Each unit has its own spot in the garage and a spot out front. There is an extra

spot in front, and they have provided additional parking within the central island for visitor parking. There is also handicap parking in those visitor spots.

Mr. Itani, the developer for the project, then addressed the Board. He said regarding the parking, it is typically policed by the Homeowners Association. Visitor parking cars are not allowed to be there for more than three days, otherwise they would have to get a Special Permit from the Association. If somebody decides to use their garage as storage, they would only have one additional parking spot. They cannot use the visitors parking as this is expressly for visitors. Mr. Itani then noted on the rendering how each unit gets a garage and two more spots outside the garage door. After consulting the plan, Atty. Kwesell said she was not seeing where there were double spaces. She also asked for the total amount of spaces.

Mr. Itani replied there are 10 units to a building with 18 parking spots outside of the building and 10 garages that belong to that building. Each building will have 28 parking spots. In addition, they added 22 visitor parking spots. Atty. Kwesell said it appears that three of the affordable units are end units and they do not have the three spaces. Mr. Itani said one of the spots out there will be allocated to the corner units. Atty. Kwesell clarified that from the 22 spaces, there will be 14 visitor spaces and 4 of those will be handicap. Mr. Itani said that is correct. Atty. Kwesell said there would be a condition that each end unit would have an allocated spot.

Mr. Olivieri asked if anyone on behalf of LeBaron had any additional comments. There were none. He asked if there were any additional questions from the Board. Mr. Zucco asked if this section of Phase 5 was age restricted. Mr. Itani said it was not. Ms. Donna Carraher from LeBaron Estates asked for clarification of the location. Atty. Kwesell indicated on the plan where the buildings would be.

Atty. Kwesell then questioned under outline number three that the Conservation Commission was deferring a waiver to the ZBA under the Wetlands Protection. Atty. Mather replied Mr. Cote had pointed out that there were no specific requests for waivers, so they had them prepared under Exhibit A. She noted that they did have a traffic report, although it is geared toward a larger project, she had not seen any concerns in the report's conclusions. When asked regarding lighting for the site, Mr. Youngquist said that it would all be dark sky compliant. Atty. Kwesell stated that she agreed with the suggested conditions from Beals & Thomas.

Mr. Olivieri asked if they were comfortable with a review of the conditions and sending the attorneys to draft a decision and to come back with it for a final approval. Atty. Mather said that has been the policy for the last modifications. They would like the Board to approve the concept subject to the approval of the conditions. Atty. Kwesell was not comfortable with approving this tonight as a Decision would then need to be filed within 14 days. Regarding the drafting of the Decision, they would incorporate all of the conditions that are in the Beals & Thomas review letter of March 23, 2023, and their standard conditions with regard to timing, a preconstruction meeting, all end units must have an allocated or dedicated spot, etc. She would also need to see the existing HOA documents to determine if they have to make any conditions based on those.

The peer review for the Conservation Commission was also discussed. Mr. Itani said the old line had expired. He did not think there were any changes, and that it was in the same location and would not impact them. Atty. Kwesell stated if the applicant wanted to close this tonight, they would be in a tough spot if Conservation made them move something. Mr. Itani reiterated that he

did not feel anything would change. Mr. Olivieri noted if that was the applicant's decision, it was at their own peril.

Mr. Noble made the motion, seconded by Mr. Zucco, to close the hearing. The **vote** was **unanimous for**.

Next meeting

The next meeting is scheduled for April 20, 2023, at 7:00 p.m. at the Lakeville Public Library.

Adjourn

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

Meeting adjourned at 8:10.