

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
June 15, 2023**

On June 15, 2023, 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. LakeCam was making a video recording.

Members present:

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

Others present:

Marc Resnick, Town Planner

Mazin/Bud's Goods hearing – 475 Kenneth W. Welch Drive

Mr. Olivieri opened the Mazin/Bud's Goods hearing at 7:02 and read the legal ad into the record. Mr. Olivieri advised that there is still an open item that needs to be handled through the Select Board. He then read the June 15, 2023, email from Atty. Silverman into the record. Atty. Silverman requested to continue the hearing until the Board's July 20th meeting to allow the Host Community Agreement to be approved by the Select Board.

Mr. Youngquist made a motion, seconded by Mr. Sheedy, to continue the Mazin/Bud's Goods hearing until July 20, 2023, at 7:00 p.m. The **vote** was **unanimous for**.

The hearing closed at 7:05.

Gear hearing – 22 Crooked Lane

Mr. Olivieri opened the Gear hearing at 7:05 and read the legal ad into the record. He then read the June 8, 2023, letter from the Board of Health. They had no objection to the proposed addition. The June 8, 2023, memo from the Conservation Commission indicated there were no wetland issues. The June 12, 2023, memo from the Planning Board had no comment on the petition.

Mr. Gear was present. He advised they were looking to add a mudroom entrance to the house as presently the entrance is directly into the kitchen. This is a 15' x 17' addition and will encroach approximately two feet into the setback. Mr. Olivieri asked if there were any comments from Board members. There were none. There were also no comments from anyone present

Mr. Youngquist made a motion, seconded by Mr. Campeau, to approve the petition as applied for.

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

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

The hearing closed at 7:09.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health letter of June 8, 2023
- Conservation Commission memo of June 8, 2023
- Planning Board memo of June 12, 2023

NSA Property Holdings, LLC hearing – 156 County Street

Mr. Olivieri opened the NSA Property Holdings, LLC hearing at 7:09 and read the legal ad into the record. Mr. Olivieri then read comments from the Town Boards into the record. The June 12, 2023, memo from the Planning Board stated some concerns they had regarding how close the placement of the buildings were to each other. The Planning Board recommended that the ZBA make sure the aisle width between the buildings is sufficient for vehicle and pedestrian flow. The June 8, 2023, memo from the Conservation Commission indicated that the project will require a Notice of Intent. The June 8, 2023, letter from the Board of Health advised that the plan for three proposed storage facilities show that one unit would be on top of the existing leach field, and one unit would be on top of the existing force main for the septic system and water lines. Neither could be built on the proposed location and would need to be relocated.

Mr. Youngquist said that he would like to recuse himself from this hearing. Mr. Garrett Piccirillo, an engineer from GPI, was present for the applicant. Mr. Olivieri said that with the recusal of Mr. Youngquist, they would only have four members available to vote. Mr. Youngquist said that he was the original engineer for this site. He would participate if Mr. Piccirillo wanted him to. Mr. Olivieri said that he had been the original engineer but that now there was no interest, and he didn't think there was any danger. However, this should be pointed out to the applicant. Mr. Resnick asked if he had any financial interest in the site. Mr. Youngquist replied none whatsoever. Mr. Piccirillo said that it would be okay for Mr. Youngquist to speak.

Mr. Youngquist then explained they were going to have trouble finding another spot to relocate the septic system. Mr. Piccirillo said there is a plan showing where they planned to relocate the system, but they have not done test pits yet. He said that he was comfortable with Mr. Youngquist participating in the hearing. Mr. Olivieri said the first thing they need to do is talk about the Board of Health issue. Mr. Piccirillo replied they had not performed test pits yet. They have an initial preliminary septic relocation plan. In response to the Board of Health, they understand this and it is totally accurate. He indicated on the plan where they would like to relocate the leach field. He noted that the system was installed in 2008, and at that time these other four buildings were not yet built.

Mr. Youngquist asked if he was aware that the units were all heated and cooled with geothermal. There are two massive wells, and he thought they might have a problem with those pipes unless they were somehow connecting them up. Mr. Piccirillo clarified that there is a well, with no domestic water connection to the site. The existing units are heated and cooled by geothermal

from the well. They had actually gone out in the field and did ground penetrating radar to try to locate those lines. They found that those lines do not go underneath that floor, and that has been verified by a Board of Health As-built Septic Design Plan.

Mr. Olivieri said they will need Board of Health approval for the final septic design. Mr. Piccirillo said they were going to do that after. They wanted to go through this process first, and they will also have to go through the Planning Board for Site Plan Approval. Mr. Olivieri asked if there were any comments. Mr. Resnick said the Planning Board had concerns regarding the distance between the buildings, which was only 10 feet. He also noted that they had not received anything from the Fire Department.

Mr. Piccirillo said they are proposing to provide only 10 feet, but the plan is to have only pedestrian access between the buildings. He then indicated where the doors would be. It is meant for pedestrians. Cars are not meant to drive in between the buildings. He noted that the applicant had met with the Deputy Chief approximately six months ago for a preliminary discussion where the plan had been shared. Some concerns had been brought up. They were told they needed to show a fire truck could move safely around the site on a truck turn plan. They are able to show on their plan that the fire truck can circulate the entire site every which way around these buildings, with the exception being between the proposed buildings. He thought that they were going to be given more details from the Fire Department, but they had not heard anything to date.

Mr. Sheedy asked if that was available. Mr. Piccirillo then displayed the fire turn plan. Mr. Sheedy said that it appeared it was very tight. Mr. Olivieri said in regards to this issue, they would need a memo from the Fire Department saying they had no safety concerns with the proposed buildings. Mr. Resnick added that he knew that landscaping at one point had been an issue. There should be an enhanced Landscaping Plan for along County Street in particular. As there were no further questions, Mr. Olivieri opened it up to the audience.

Mr. Ken Chainay of 153 County Road, was present. He advised he lives across the street and did not really have a problem with the storage. He did want to note that about a month ago there had been an intruder on their property. Although he has a full surveillance system, he had gone to the storage facility to see if that system might have caught something additional. He was told that they system was not working correctly. He also noted that the gate had not been closed for at least a few weeks. He felt this was a big concern. Mr. Olivieri said he appreciated his comments for the record, but was not sure how much purview they had over making sure the site was secure. There were no additional comments.

Mr. Olivieri said there are a couple of outstanding items. The septic issue will need to be addressed and approved by the Board of Health. In addition to that, they will need a sign off from the Fire Department that the proposed buildings do not present any safety concerns. Mr. Resnick said he would recommend that they get clarification on these issues, as they relate to the use. Mr. Olivieri said that he would recommend that Mr. Piccirillo continue until July, although he had the right to call for a vote. Mr. Piccirillo said that he would like to continue until July.

Mr. Youngquist made a motion, seconded by Mr. Sheedy, to continue the NSA Property Holdings, LLC hearing until July 20, 2023 at 7:00 p.m. The **vote** was **unanimous for**.

The hearing closed at 7:33.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health letter of June 8, 2023
- Conservation memo of June 8, 2023
- Planning Board memo of June 12, 2023

Lakeville Nursery Redevelopment LLC hearing – 5 Harding Street

Mr. Olivieri recused himself and stepped down as Chair. Mr. Youngquist then opened the hearing at 7:34 and read the legal ad into the record. Atty. Robert Mather was present and represented the applicant. He stated that it appears there were only four members present, meaning a vote would have to be unanimous. He would request when the Board was ready to vote, that a straw poll be taken. If there is opposition, he would like to continue and have a full Board if that is acceptable.

Mr. Youngquist asked Atty. Mather to explain to the Board why they are changing this. Atty. Mather advised they are asking to modify a Special Permit and in order to get a Special Permit you need a super majority, or four out of five. This allows for only one negative vote. With a four-member Board, the vote would need to be unanimous. Mr. Youngquist said he was fine with that.

Atty. Mather stated at the last hearing, they had requested a Special Permit to allow automotive repair as a use, and they were talking about 21 contractor bays. They mentioned they were negotiating with a car dealer to use the entire facility for repair. He can now say they are dealing with Greco Ford, who wants to have a stand-alone facility for repairs. They would eliminate the bays which would also result in them having to go back to the Planning Board for the design of a different shaped building.

The following two conditions had been imposed by the Board. No vehicles were to be stored or worked on outside, and when vehicle repair is complete, the vehicle and/or equipment must leave the yard within 24 hours. When they spoke to Greco, it had been pointed out to them that it is very normal for vehicles to remain on site for longer than a day. He understood that with the possibility of multiple repair shops, they would have no problem with that restriction. However, the request now is to modify the restriction that vehicles not be stored outside to not apply if the facility is used for automotive repair by one user or owner.

Atty. Mather then distributed the conditions that had been put on the previous Special Permit. He advised when Greco was informed of them, they responded that no one could have a single owner/use facility with the inability to park cars that are waiting for service, or for parts to come in. They did not feel this would be necessary for this type of facility which is going to be a first-class automotive repair facility, and an estimated \$6 million project. They were suggesting a revision to the condition that no vehicles are stored or worked on outside, be modified to no vehicles are worked on outside. The revision to the second condition to say if the entire site is used by one owner/operator for an automotive repair facility, vehicles waiting for repair are to be picked up after repair and may be parked on the site with no time limitations.

Atty. Mather noted that presently the site can be fully utilized with no restriction as to parking and no restriction as to working outside on vehicles. You could have contractors with backhoes and large machinery as a matter of right. They think this change to a one owner/operator is better and more beneficial to what they have now. He would respectfully ask the Board to consider revising the restrictions as he had presented. Mr. Sheedy said he thought this was a very reasonable presentation. Mr. Zucco agreed. Mr. Youngquist asked if there were any additional questions from the Board or the audience.

Mr. Wayne Cardoza of 43 Cross Street then spoke. He was a direct abutter, and advised when they came in last month, he was not in favor of the proposal. Mr. Zucco had said that it was better than the alternative of the 21 bays, and after considering that, he and his wife decided having nothing was the best, but this was the better option of the two. He did note that when he had brought his vehicle in for repair, it had been allowed to be parked outside with oil leaking into the ground. He wanted the Board to be aware of this. There were no additional comments.

Mr. Youngquist then took a poll of members and asked if they would be in favor of the modified conditions as presented. All members responded affirmatively.

Mr. Campeau then made a motion, seconded by Mr. Sheedy, to approve the proposed modifications to the Special Permit with the following revised conditions:

1. No vehicles are to be worked on outside.
2. If the entire site is used by one owner/operator for an automotive repair facility, vehicles waiting for repair are to be picked up after repair and may be parked on the site with no time limitations.

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

Documents distributed for the hearing:

Petition packet
Legal ad
Board of Health letter of June 8, 2023
Planning Board memo of June 12, 2023

Meeting minutes

Mr. Youngquist made a motion, seconded by Mr. Sheedy, to approve the meeting minutes from the April 20, 2023, meeting.

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

Mr. Resnick said that he had one additional item for the Board. He had been asked to contact an applicant who had submitted a 20-year old septic plan. He had informed him, as a policy, the Board does not encourage that any more. They are also using someone else's old engineered drawings for something different than the original intent. He noted that the Board's rules and regulations are over 20 years old and should be revised. He hoped to have at least an outline done for their next meeting.

Mr. Olivieri said how do they want to define what type of plans they want, so when people come in they don't have to guess what they are going to accept or not accept. Did they want to require stamped plans? Mr. Resnick replied most of the plans that have been received over the past several months have been updated, surveyed plans. Mr. Youngquist said if they are showing setbacks to property lines, he would want to see a stamped plan. Mr. Sheedy asked if this would be cost prohibitive for some applications.

After further discussion, Mr. Youngquist said if they were putting a foundation in the ground, a stamped plan should be required. Mr. Olivieri clarified that it should be for any foundational structure so that it would include any addition on sonotubes. Mr. Olivieri said he did not think they needed a formal vote, but the consensus of the group is that the Board wants stamped plans for anything that has a foundational structure.

The last item discussed was an email from Member Carmichael. He had advised that due to his schedule, he would be unable to continue serving on the Board. Mr. Olivieri said they have two Associate members now. He would make a motion to recommend to the Select Board that Mr. Sheedy be moved up to full member. Mr. Youngquist seconded it. The **vote** was **unanimous for**.

Next meeting

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

Adjourn

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

Meeting adjourned at 8:01.