

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
December 21, 2023**

On December 21, 2023, the Zoning Board held a meeting at the Lakeville Public Library. The meeting was called to order by Chairman Olivieri at 7:03 p.m. LakeCam was making a video recording. No one else was recording the meeting.

Members present:

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

Others present:

Marc Resnick, Town Planner; Nathan Darling, Building Commissioner

Benatti hearing, continued – an appeal related to 434 Bedford Street

Mr. Olivieri opened the continued Benatti hearing at 7:04. He advised the applicant had submitted an email requesting the hearing be continued.

Mr. Youngquist made a motion, seconded by Mr. Noble, to continue the Benatti hearing until January 18, 2024. The time would be at 7:00 p.m. The **vote** was **unanimous for**.

The hearing closed at 7:05.

Sepersky hearing – 311 Pond Lane

Mr. Olivieri opened the Sepersky hearing at 7:05 and read the legal ad into the record. He then read comments from the various Town Boards. The December 19, 2023, letter from the Board of Health had no objection to the proposed addition. The Conservation Commission email of December 18, 2023, stated that the project would require a full Notice of Intent. The Planning Board had no comment on the petition.

Mr. Leo Bisio, President of Bisio & Son Construction, then submitted a letter to the Board dated December 20, 2023 for the record. It noted that it had recently come to Mr. Bisio's attention that the Sepersky Family Trust has transferred the deed for the property to Southworth Pond Realty, LLC. The ownership and the address remained the same. Mr. Olivieri said that he thought they could go forward where it is the same common ownership. Mr. Bisio said Attorney Mather advised him that it is still the same owner and same address, and all they are doing is changing the realty trust. Mr. Resnick said his opinion is this was properly advertised, and if anyone had a concern, the advertising would have been the same. It has been noted in the public hearing there has been a change in the ownership. It doesn't affect the submittal in any way, and it will be noted properly

in the approval. It is up to the applicant to move forward, but he did not see any major problem. Mr. Youngquist noted the approval goes with the land. Mr. Olivieri asked if anyone present had any comments or concerns. No one spoke.

Mr. Bisio explained the project. They wanted to build a garage with a room above. They had gone over there and shot elevations. The Board will notice that the elevations over there from Pond Lane down to the driveway drop quite a bit, so they have located it in the spot that they thought would be the best level spot. A survey had been done by Foresight Engineering which showed that they were 11 feet off of the right of way, but the Sepersky's own to the center of the right of way. He is asking for four feet. Mr. Noble asked him to explain the drawing they had, which Mr. Bisio then did. He also submitted pictures for the record.

Mr. Sheedy asked for a clarification on the 11 feet. Mr. Bisio said it is 11 feet to the right corner of the right of way. He then indicated on the plan where the right of way was. They are 16 feet off of the corner of the garage to the center. He can show them a letter where the Attorney states the Sepersky's own to the center of the right of way. Mr. Bisio also submitted the letter from the Attorney and two letters from neighbors, who supported the proposed project.

Mr. Campeau asked if there was a reason why it is jogged to the right on the diagram. Mr. Bisio replied that you would not be able to approach the garage. He then displayed some pictures of the property. Mr. Olivieri asked if anyone present would like to speak for or against the petition. No one spoke.

Mr. Noble asked for an explanation of the living space. Mr. Bisio replied it is a garage with a mudroom. The second floor above the garage would have a primary bedroom and bathroom. There will be two ways of getting out of the bedroom, but it would also be accessible to the second floor of the existing structure. Mr. Olivieri asked how far away they were from the neighbors on the side where they are seeking relief. Mr. Bisio estimated 50 feet.

Mr. Youngquist then made the motion, seconded by Mr. Campeau, to approve the Variance as applied for. The **vote was unanimous for.**

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

The hearing closed at 7:20.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health correspondence of December 19, 2023
- Conservation Commission email of December 18, 2023

Town of Lakeville hearing – 2 & 28 Precinct Street

Mr. Olivieri opened the Town of Lakeville hearing at 7:20 and read the legal ad into the record. He then read comments from the various Town Boards. The December 19, 2023, letter from the Board of Health had no objections since water or septic would not be required. The Planning

Board had no comment on the petition. The November 1, 2023, letter from the Lakeville Arts Council was supportive of the application.

Mr. Nathan Darling, Building Commissioner, was present. He advised he was present on behalf of the Lakeville Arts Council, Historic Commission, and Select Board. Approximately a year and a half ago, funding was appropriated to put a pavilion over the Center Stage. When they went to install it, they hit a sixteen-inch water main. They then started looking at other options. After looking at the Site, they favored as close as they could to the Sampson Cemetery, which is what they are proposing tonight.

Mr. Darling said it is important to note that dissimilar to the last petition which was a Variance, their Bylaw allows by Special Permit an accessory structure within the setback. He asked if there were any questions from the Board. There were none. Mr. Olivieri asked if there were any questions or from anyone present. Mr. Brian Reynolds from the Historical Commission said the Commission was supportive of the petition. It will be beneficial for holding events on the property.

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

The hearing closed at 7:25.

Documents distributed for the hearing:

Petition packet

Legal ad

Board of Health correspondence of December 19, 2023

Conservation Commission email of December 18, 2023

Meeting minutes

Mr. Noble made a motion, seconded by Mr. Sheedy, to approve the meeting minutes from the November 16, 2023, meeting. The **vote** was **unanimous for**.

Approve 2024 meeting dates

This was inadvertently left out of the packet, but meeting dates would continue to be on the third Thursday of the month. Ms. Murray would forward these dates out to the Board and post them on the Zoning Board web page.

Next meeting

The next meeting is scheduled for January 18, 2024, at 7:00 p.m. at the Lakeville Public Library. Mr. Olivieri noted that Mr. Resnick would not be with them for that meeting, as he would be leaving the Town for another opportunity on January 5, 2024. The Board wished him luck with his new endeavor.

Adjourn

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

Meeting adjourned at 7:29.