

**MINUTES OF BOARD OF APPEALS MEETING OF July 1, 2014: Town Hall Banquet Room**

**I. ADMINISTRATIVE BUSINESS**

The meeting was called to order by Chairman Peter DeTerra at 6:00 p.m.

Quorum/Attendance

Members Present – Chairman Peter DeTerra, Peg Cook, Joseph Borelli, Al Silva (Associate Member), Ken Kendall (Associate Member)

Reorganization Meeting

The Chairman asked for a motion to open a Reorganization Meeting. Mr. Borelli made the motion; Mr. Kendall seconded. The vote was unanimous.

Mr. DeTerra asked for nominations for Chairman. Mr. Borelli nominated Mr. DeTerra; Mr. Kendall seconded. Mr. DeTerra asked if there were any other nominations. There being none, he asked for a vote. The vote was unanimous for Mr. DeTerra as Chairman.

The Chairman asked for nominations for Vice-Chairman. Mr. DeTerra nominated Mr. Cox, Jr.; Mr. Silva seconded. The Chairman asked if there were any other nominations. There being none, the Chairman asked for a vote. The vote was unanimous for Mr. Cox, Jr. as Vice Chairman.

The Chairman asked for a motion to close the Reorganization Meeting. Mr. Kendall made the motion; Mr. Silva seconded. The vote was unanimous and the Reorganization Meeting was closed at 6:03 pm.

Regular Meeting

The Chairman asked for a motion to open the hearing. Mr. Kendall made the motion; Mr. Silva seconded. The vote was unanimous and the meeting opened at 6:04 pm.

Invoices: The Chairman asked for a motion to approve the \$142.88 invoice for advertisement of the hearing and postage. Mr. Kendall made the motion; Mr. Borelli seconded. The vote was unanimous. The invoice was signed.

Minutes: The Chairman asked for a motion to accept the minutes of June 3, 2014. Mr. Kendall motioned to accept the minutes. Mr. Silva seconded. The vote was unanimous.

**II. PUBLIC HEARING:**

1. Petitioner: Old South Wharf Realty, LLC, 24 Water Street, Plat 7, Lot 1, Book 9109 and Page 268; 198-22: Short 4' of the required 5' setback for an Accessory Structure.

A letter was received from the petitioner requesting a continuance to August 5, 2014. The letter is part of this record. The Chairman asked Mr. Fostin, Building Commissioner and Zoning Enforcement Agent, to explain to the Board where the process is with the petitioner. Mr. Fostin stated he and Town Counsel Crotty had met with the petitioner and their representatives about two weeks ago. All now are waiting for a written opinion from Town Counsel regarding options discussed.

Motion to continue the petition to August 5, 2014, was made by Mr. Kendall; seconded by Mr. Silva.

Members voting to continue the petition to August 5, 2014: Mr. Borelli, Ms. Cook, Mr. DeTerra, Mr. Kendall and Mr. Silva

Members voting not to continue the petition: None.

The petition request is CONTINUED to August 5, 2014, with a vote of five (5) in favor and none (0) opposed.

2. Max Isaksen for Gail Isaksen, 5 Widemarsh Beach Way, Plat 29, Lot 331, Certificate #22201; 198-32.2: A Special Permit is required for a dock or pier in a RR District.

The petitioner was represented by Ms. Susan Nielsen of CLE Engineering, Marion, MA who stated that the petitioner has not yet received the Order of Conditions from the Conservation Commission. She has been informed that the Board of Appeals requires the Order of Condition in order to hear the petition. She asked for a continuance to September 2, 2014, because she was not available for the August 5, 2014, hearing.

Motion to continue the petition to September 2, 2014, was made by Mr. Kendall; seconded by Mr. Silva.  
Members voting to continue the petition to September 2, 2014: Mr. Borelli, Ms. Cook, Mr. DeTerra, Mr. Kendall and Mr. Silva  
Members voting not to continue the petition: None.

The petition request is CONTINUED to September 2, 2014, with a vote of five (5) in favor and none (0) opposed.

3. Jose Cordeiro, 98 Fort Street, Plat 3, Lot 4, Book 9976, Page 86; 198-32.2: A Special Permit is required for a dock or pier in a RA District.

The petitioner was represented by Ms. Susan Nielsen of CLE Engineering, Marion, MA who stated that the petitioner has not yet received the Order of Conditions from the Conservation Commission. She has been informed that the Board of Appeals requires the Order of Condition in order to hear the petition. She asked for a continuance to September 2, 2014, because she was not available for the August 5, 2014, hearing.

Motion to continue the petition to September 2, 2014, was made by Mr. Kendall; seconded by Mr. Silva.  
Members voting to continue the petition to September 2, 2014: Mr. Borelli, Ms. Cook, Mr. DeTerra, Mr. Kendall and Mr. Silva  
Members voting not to continue the petition: None.

The petition request is CONTINUED to September 2, 2014, with a vote of five (5) in favor and none (0) opposed.

4. Michael LePage, 19 Point Street, Plat 28B, Lots 256, 257, Book 10987 and Page 267; 198-18: Short 20' on the West and North sides of the required 30' front setback on a corner lot and 6% over the maximum allowed building coverage of 15% all within a RR District.

The petition was read and there were 38 abutters notified. The petitioner would like to add a floating, ground level wrap around deck on the rear and side of his home so that he can better enjoy his yard and home. The ground around the home does get soggy and the deck will allow him to enjoy the property more.

Motion to grant the Variance was made by Mr. Silva; seconded by Mr. Kendall.  
Members voting to Grant the Variance: Ms. Cook, Mr. Borelli, Mr. DeTerra, Mr. Kendall and Mr. Silva.  
Members voting not to Grant the Variance: none.

The Variance is GRANTED by a vote of five (5) in favor and none (0) opposed.

5. Michael F. Cardoso, 54 Gilbert Street, Plat 29D, Lots 14A, 15, 28A, 29 Book 9720 and Page 170; 198-18: 3% over the maximum allowed building coverage of 15% in a RR District.

The petition was read and there were 28 abutters notified. The petitioner would like to add a 14'x18' shed to store his lawn equipment and other utilities.

Motion to grant the Variance was made by Mr. Silva; seconded by Mr. DeTerra.  
Members voting to Grant the Variance: Ms. Cook, Mr. Borelli, Mr. DeTerra, Mr. Kendall and Mr. Silva.  
Members voting not to Grant the Variance: none.

The Variance is GRANTED by a vote of five (5) in favor and none (0) opposed.

6. Charlene R. Riggins & Earl Roberts, 19 Ocean Avenue, Plat 29C, Lots 321-324, Book 11036 and Page 49; 198-18: Short 20' of the required 30' rear setback and 10% over the maximum allowed building coverage of 15% all within a RR District.

The petition was read and there were 46 abutters notified. The petitioner would like to add a 12'x36' addition for a bedroom and living room. Her husband recently passed away and her brother now lives with her. He requires an office space. The bedroom and living room would make the dwelling more comfortable for her.

Motion to grant the Variance was made by Mr. Silva; seconded by Mr. Kendall.

Members voting to Grant the Variance: Ms. Cook, Mr. Borelli, Mr. DeTerra, Mr. Kendall and Mr. Silva.

Members voting not to Grant the Variance: none.

The Variance is GRANTED by a vote of five (5) in favor and none (0) opposed.

### **III. OTHER BUSINESS:**

The Board received a written request from Town Counsel Crotty regarding a pending Superior Court Appeal of a Board decision made in May, 2013, on property at Shore Drive owned by EM & CM Limited Partnership. The petitioners deny having received notice of the petition hearing held in May, 2013. Mr. Fostin, Building Commissioner and Zoning Enforcement Agent, stated that Mr. Crotty recommended the Board allow the petitioners to re-apply now which is within a shorter timeframe than stipulated in the general law, rather than go through a Superior Court appeals process where in all likelihood the judge would remand the petition back to the Board. Discussion ensued.

Motion to allow the petitioners to re-apply presently to the Board of Appeals was made by Mr. Silva; seconded by Mr. Borelli.

Members voting to allow the request: Mr. Kendall, Ms. Cook, Mr. Borelli, Mr. DeTerra and Mr. Silva.

Members voting not to grant the request: none.

The request to allow the petitioners to re-apply presently to the Board of Appeals is GRANTED by a vote of five (5) in favor and none (0) opposed.

### **ADJOURNMENT**

Mr. Kendall moved to adjourn the meeting. Mr. Silva seconded. The vote was unanimous. The meeting was adjourned at 6:25 PM.

Respectfully Submitted,  
Patricia Fowle, Secretary