

MINUTES OF BOARD OF APPEALS MEETING OF August 5, 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, Fran Cox, Jr., Al Silva (Associate Member), Rene Fleurent, Jr.(Associate Member) and Jaime DeSousa (Associate Member)

Regular Meeting

The Chairman asked for a motion to open the hearing. Mr. Silva made the motion; Mr. DeSousa seconded. The vote was unanimous and the meeting opened at 6:00 pm.

Invoices: The Chairman asked for a motion to approve the \$110.00 invoice for advertisement of the hearing. Mr. Silva made the motion; Mr. DeSousa seconded. The vote was unanimous. The invoice was signed.

Minutes: The Chairman asked for a motion to accept the minutes of July 1, 2014. Mr. Cox, Jr. motioned to accept the minutes. Mr. Borelli 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 October 7, 2014. The letter was read and is part of this record. Mr. Fleurent, Jr. stated the petitioners have come before the Board since March and should withdraw the petition without prejudice until they are ready. It is not fair to the abutters. Mr. Fostin, Building Commissioner stated the abutters are in contact with him regarding the shipyard at least weekly.

Motion to continue the petition to October 7, 2014, was made by Mr. Cox, Jr.; seconded by Mr. Borelli.
Members voting to continue the petition to October 7, 2014: Mr. Borelli, Mr. Cox, Jr., Mr. DeTerra and Mr. Silva
Members voting not to continue the petition: Ms. Cook.

The petition request is CONTINUED to October 7, 2014, with a vote of four (4) in favor and one (1) opposed.

2. Haworth's Property Service for Michael & Sharon McCaul, 56 Bayview Avenue, Plat 38A, Lot 438, Book 10739 and Page 230; 198-18: Short 9'8" of the required 10' side setback in a RA District.

The petition was read and there were 47 abutters notified. The petitioners were represented by Geoff Haworth who stated there is an existing 13'6" x 8' x3' deep shed that is on the property line. The owners require more storage space and would like to add 11' in depth to the shed. A letter was read from abutter Karpavich of 58 Bayview Avenue in support of the request. The letter is part of this record.

Motion to grant the Variance was made by Mr. Cox, Jr.; seconded by Mr. DeSousa.
Members voting to grant the Variance: Mr. Borelli, Ms. Cook, Mr. DeTerra, Mr. Cox, Jr. and Mr. DeSousa
Members voting not to grant the Variance: None.

The petition request is GRANTED with a vote of five (5) in favor and none (0) opposed.

3. Luis M. Pacheco, 307R Sconticut Neck Road, Plat 29, Lot 16B, Book 10183, Page 317; 198-22: An Accessory Structure is not allowed in a required front yard. A Special Permit is required for an Accessory Structure without a principle building. 1,700 sq ft over the maximum allowed 700 sq ft for an Accessory Structure.

The petition was read and there were 25 abutters notified. The petitioner bought the property 2 ½ years ago. He has

made steady improvements by clearing the land, rebuilding a stone wall and tearing down the existing house. He has done all of this with his own money when available. He would like to build the garage now to place his things while he sells his home in New Bedford. Then as money allows he will build his home here. He wants to place the garage at what appears to be the front of the lot because if he placed it otherwise it would block his view of the water which is what he bought the lot for. He has access by either Wigwam Beach Way or Manzone Drive and the garage placement would not bother the neighbors. Mr. Dan Ryan, 50 Gilbert Street, an abutter stated the petitioner is a good neighbor and cleaning up the property and the neighborhood and is in favor of the request. Discussion ensued by the Board regarding whether or not they could even grant the request of placing the garage without a principle building. Upon further discussion the petitioner asked to allow the petition to be withdrawn without prejudice.

Motion for the petition to be withdrawn without prejudice was made by Mr. Cox, Jr.; seconded by Mr. Fleurent, Jr. Members voting on the motion: Mr. Borelli, Ms. Cook, Mr. Cox, Jr., Mr. Fleurent, Jr. and Mr. DeSousa
Members voting not to grant the motion: None.

The petition request is WITHDRAWN WITHOUT PREJUDICE, with a vote of five (5) in favor and none (0) opposed.

4. Rogério Mendes, 76 Harding Road, Plat 22, Lots 63-64, Book 11020 and Page 287; 198-18: Short 4' of the required 30' rear setback in a RA District.

The petition was read and there were 46 abutters notified. The petitioner would like to add a shed attached to his garage and add a sunroom to the rear of his property. An abutter Mr. Charles Messier of 17 Hedge Street complained of issues that are not under the review of the Board of Appeals.

Motion to grant the Variance was made by Mr. Fleurent, Jr.; seconded by Mr. Silva.
Members voting to Grant the Variance: Ms. Cook, Mr. Borelli, Mr. Cox, Jr., Mr. Fleurent, Jr. 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:

On advice of Town Counsel Thomas Crotty an emergency Executive Session was called regarding litigation.

ADJOURNMENT

Mr. DeTerra motioned to adjourn the meeting and enter into an emergency Executive Session not returning to the Regular Meeting; Mr. Silva seconded. The vote was unanimous. Roll Call: Roll call vote: Mr. Fleurent, Jr.-yes, Ms. Peg Cook-yes, Mr. Joe Borelli-yes, Mr. Peter DeTerra-yes, Mr. Fran Cox, Jr.-yes, Mr. Al Silva-yes, Mr. Jaime DeSousa-yes. The Regular Meeting was adjourned at 6:30 PM.

Respectfully Submitted,
Patricia Fowle, Secretary