

Zoning Board of Appeals
July 3, 2018 – Town Hall Banquet Room

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Present: Chairman, Peter DeTerra, Vice Chairman, Francis Cox, Joe Borelli, Kenneth A. Silva, Albert Silva, Jamie DeSousa, and Darryl Manchester

Absent: Peg Cook

2018 AUG 11 - 8:51 AM
FAIRHAVEN,
MASS.

Wayne Fostin was also in attendance.

The Meeting opened at 6:02 and was being recorded.

No minutes were available to be approved.

Rescheduled Public Hearing:

1. Petitioner: Hans R. Doherty, RE: 121 Farmfield Street, Plot 2, Lot 7, Book 5595 and Page 13, 198-16; Special Permit required for a Bed & Breakfast in an RA District.

Francis Cox made a motion to reopen the Public Hearing and it was seconded by Joe Borelli. Motion passed to reopen.

Ken Kendall made a motion to table this hearing until the end. No one seconded.

Petitioner, Hans Doherty was not present.

Resident, Joyce Wilson of 92 Farmfield Street said as an abutter she was worried about what was going to happen in the neighborhood if the house became a Bed & Breakfast. She said she was unsure about it and there was concern from the neighborhood.

Francis Cox made a motion to grant the special permit and was seconded by Ken Kendall. The motion was denied by all members.

Peter DeTerra stated that the petitioner could not come back for two years since the petition was denied.

NEW PUBLIC HEARINGS:

1. Petitioner, Christine Smith RE: 27 Alder Street, Plot 431, Lot 70, Cert# 23226: 198-18; Short 11' of required 20' side yard within an RR District.

Petitioner, Christine Smith explained there was a small deck on the back of the cottage that she would like to enclose.

Francis Cox made a motion to grant the variance and was seconded by Albert Silva. The motion passed unanimously.

Builder, Joe Correia for the applicant stated there was also another rear deck that they wanted to extend. She said it was on the plans.

After further review, the drawing was on the plans but the rear deck was not written in the application for a variance, so the Board stated they couldn't review or discuss it as it was not on the agenda or advertised.

Mr. DeTerra stated that if they keep the deck the same size they wouldn't have to file for a variance but if they wanted to extend it they would need to reapply.

2. Petitioner: Arlene Getchell, RE: 86 Laurel Street, Plot 8, Lot 61, Book 4230 and Page 221; 198-18: Short 4' of required 10' side yard in an RA District.

Petitioner, Arlene Getchell stated she would like to build a dedicated dining room. She explained the house was built in 1840 and is an old house. She stated the next door neighbor, 90 Laurel Street, lives in California and she did speak to them and they were okay with the project and confirmed that through an email that she was willing to share.

Kenneth Kendall made a motion to approve the variance and was seconded by Francis Cox. The motion passed unanimously.

3. Petitioner: Graham Cottrell, 22 Hedge Street, Plot 15, Lot 65, Book 10989 and Page 273; 198-23 4B: Special Permit required for Home Occupation in Building Trades.

Petitioner, Graham Cottrell said he would have his box truck in the driveway and that's what he really works out of.

Neighbor, Frederick Lorraine of 46 Cherry Street was present and he said he has done a great job with the house and has no worries about him operating the business out of the home.

Francis Cox made a motion to approve the Special Permit for a home occupation and was seconded by Ken Kendall. The motion passed unanimously.

4. Petitioner: Scott Snow, RE: 3 Sedgewick Road, Plot 29B, Lot 476, Book 11550 and Page 199; 198-18; Short 15,812 sq ft. of required 30,000 sq. ft. in an RR District.

Petitioner, Scott Snow asked for a continuance as his attorney could not be present this evening.

Board member, Albert Silva stated they always continue when a petitioner requests one.

Ken Kendall stated that they just denied an undersize lot in the previous month and that they couldn't approve this petitioner anyway, he thought they should just go ahead with the vote tonight.

Francis Cox made a motion to grant the continuance per the Petitioner's request and was seconded by Albert Silva.

When the audience members cringed at the thought of having to come back again, Mr. Cox explained to them that their guidelines states that if a petitioner can ask for a continuance and it be granted.

The motion passed 4-2 with Peter DeTerra and Kenneth Kendall in opposition.

5. Petitioner: Michael Rotondo, RE: 17 Studley Street, Lot 298W, Book 131 and Page 115; 198-19: Fence B 2' over max height of 6'.

Peter DeTerra read a letter from Mr. Rotondo requesting a continuance to the next hearing on August 7, 2018.

Francis Cox made a motion to approve the continuance to the August 7th meeting and was seconded by Albert Silva. The motion passed unanimously.

6. Petitioner: Seth DesRoches, RE: 365 Huttleston Avenue, Plot 31A, Lot 26-31, Book 12381 and Page 305; 198-22: Accessory Buildings A-1, 1300 sq ft over max of 700 sq ft. within an RA District & 8' over the maximum height of 20'.

Petitioner, homeowners Chris Sawlers stated they wanted to put up a garage to store their vehicles and storage.

Resident, Teresa Szala stated they were against this as it she believed it was an excessive garage in size.

Jamie DeSousa asked if there was a plot plan that showed where the garage would be located. The Board reviewed the plans. The petitioners were also proposing a new driveway.

Mr. Sawlers stated there would be no plumbing or heat to the garage. The attic would be open rafters, and it would be a detached garage.

Joe Borelli stated he was having a hard time with this project as he thought that another building near the property was on this property. The homeowner advised that building was his neighbor's property.

Discussion ensued on the highest peak of the garage to 28'.

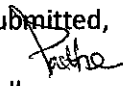
Francis Cox made a motion to grant the variance for 1300 sq ft over the maximum of 700 sq ft and 8.5' over the maximum height of 20' within a RA District; and was seconded by Jamie DeSousa.

Joe Borelli abstained from the vote. The motion passed to grant the variance 4-1 with Ken Kendall in opposition.

Peter DeTerra thanked Wayne Fostin for his 30 years with the Town of Fairhaven and thanked him for his dedication to the Zoning Board. Mr. Fostin will be retiring on Friday, July 6, 2018 and this is his last Zoning Board of Appeals meeting. Mr. DeTerra stated he will really be missed. The Board and audience gave Mr. Fostin a round of applause.

Francis Cox made a motion to adjourn and was seconded by Jamie DeSousa. The motion passed unanimously at 6:45p.m.

Respectively submitted,


Patricia A. Pacella
Recording Secretary