

Board of Appeals
Minutes
Tuesday, January 8, 2019 at 6:00 p.m.
Town Hall, Banquet Room
40 Center Street, Fairhaven, MA 02719

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FAIRHAVEN,
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I. ADMINISTRATIVE BUSINESS

1. Mr. Deterra opened the meeting at 6:30 p.m. and advised the public that the meeting was being televised.

2. **Quorum/Attendance:** Chairman, Peter Deterra, Vice-Chair Francis Cox, Darryl Manchester, Peg Cook, Rui DaSilva and Jaimie DaSousa. The Building Commissioner was also in attendance.

3. **Acceptance of Minutes – December 4, 2018.**

Francis Cox made a motion to accept the minutes of December 4, 2018. Seconded by Rui DaSilva. This motion passed unanimously.

Francis Cox made a motion to approve the amended minutes of June 5, 2018. Seconded by Rui DaSilva. This motion passed unanimously

Mr. Deterra explained that Mark Reis was present for Oxford School Residency request for termination and modification, pursuit of 7-60 CMR 5-60-1 to reduce the number of units in the project, from 63 units to 52 units.

Mark Reis, Town Administrator was present representing Parker and the Stratford Group housing project which has been ongoing. It is a 40(B) project that was previously approved by the ZBA. Mr. Reis further explained in greater detail the modifications that were allowed in June and since then requested for a second modification and asks the ZBA to approve the recent modifications and if the board can determine whether the change is not substantial consistent with 7-60 CMR and 56.05 paragraph 11.

Mr. Reis explained the reasoning behind the modifications.

Discussion regarding the changes in bedrooms in the units.

Mr. Desousa asked about the changes decreasing the population.

Mr. Deterra made a motion to reduce the number of units from sixty-three to fifty-two units with no substantial change. Seconded by Mr. Cox. The motion passed unanimously. Therefore, the Board approved the changes set forth in the January 4th, 2019 minor modification request/proposed design changes from SCG Development.

II. PUBLIC HEARINGS:

1. **62R Weeden Road – 198-18:** Variance request for 2' Short of 140' frontage in a RR District.(continuance)

Armand Pimentel was present and explained that the variance request is a reissuance from a few years back. He spoke about needing the approval for the Variance to sell the property.

Mr. Cox made a motion to grant the Variance. Seconded by Jaimie Desousa. The motion passed unanimously.

2. **294 Huttleston Avenue – 198-18:** Variance short 70' frontage and variance for an undersized lot, lot is currently 27,767 sq feet in a RC District.

Judith Tubbs was present and explained that she appeared about a year ago and due to Zoning changes (RC) to (B) she needed to apply for a Variance. Mrs. Tubbs continued to explain that due to concerns regarding the reason for the zoning change she consulted the Town Planner, in which came to the conclusion someone else had applied for the zoning change and forged her signature to do so, as did in various other documents relating to the parcel.

Mrs. Tubbs spoke about what the board concluded the year prior which was making it non-conforming, in which the parcel still is today. She also reflected on what the abutters concerns were during that's time.

Mr. Deterra asked the public if anyone would like to see the plans that showed the proposed units and explained that after the ZBA makes a determination on the presented matter is then must be heard in front of the Planning Board.

The developer, Brian Dupras was present and explained the concept of the proposed plans regarding the number of units, interior layout and landscape of the condominiums to the board as well as the public.

Abutter, Joe Sween expressed his concerns with the plans and the reasons why he voted against this project.

Discussion regarding whether the plan is suitable for that lot.

Mr. Cox made a motion to Grant the Variance. Seconded by Mr. DeSousa. This motion was granted with a vote of four members in favor and one in opposition.

In Favor: Mr. Cox, Mrs. Cook, Mr. Manchester and Mr. DeSousa.
Opposed: Mr. DaSilva

3. 21 Morton Street – 198-16: Special Permit request to have 5 chickens in a RA District.

Lisa Richard was present and expressed that she already purchased the chickens prior to the hearing and that she was unaware of the necessity to obtain a Special Permit for the chickens.

Mr. Deterra explained to the applicant that she not only needed to apply for a Special Permit from the ZBA but the Board of Health as well.

The applicant provided the board with pictures showing the structure that house the chickens.

Mrs. Richard explained that she raised the chickens and would like to be able to keep them if possible.

Abutter, John Silvia expressed why he was in favor of the Special Permit.

Mr. Richard expressed why he was in favor of the Special Permit.

Mr. Desousa made a motion to approve the Special Permit with special condition of the number of chickens not to exceed five chickens, no roosters and applicant must be heard by the Board of Health. Seconded by Mr. Cox. The motion passed unanimously.

4. 148 Dogwood Street - 198-21 (d): Special Permit to demolish existing house and rebuild, enlarging existing footprint on non-conforming lot within two years.

Nancy Santoro was present and explained that the building was built in 1953 in which they wanted to remodel and rebuild to provide more space and making a cape style two-bedroom home with new foundation and extending the home back 8' and 12' out on side.

Mrs. Santoro provided the board and public with plans to show the layout of the home and explained the proposed changes that would take place.

Mrs. Santoro provided the board and public with plans to show the layout of the home and explained the proposed changes that would take place.

Abutter asked questions pertaining to the location of the property and expressed that he was in favor of the petition.

Abutter LeeAnne Hodson expressed that she was in favor of the petition
Abutter Greg Burns expressed that he was in favor of the petition.

-Discussion regarding the whether the lot was a conforming lot or non-conforming lot.

Mr. White explained that it was a non-conforming lot.

Mr. Cox made a motion to approve the Special Permit. Seconded by Mr. Desousa. The motion passed unanimously.

5. **102 Fir Street – 198:18:** Variance requested for undersized lot of 24,000 sq feet in a required 30,000 sq. ft in a RR District.

Applicant Anthony De Angelis and Lisa De Angelis were present

Architect, Nicolas Gully was present and provided the board with plans. He further explained the concept of the proposed plans and why it was deemed necessary due to the current condition of the building.

Mr. Gully explained that the existing building would be converted into a garage and put a new foundation for newer building.

Discussion regarding the restrictions on West Island as well as the proposed layout of interior and exterior of the rebuilt home.

Mr. Gully explained that other than the 6,000 square foot setback it is compliant.

Mr. White expressed that he currently had no objections to this project.

Mr. Desousa Made a motion to approve the project. Seconded by Mr. Cox. The motion passed unanimously.

Mr. Cox Made a motion to adjourn the meeting. Seconded by Mr. Desousa. Motion passed unanimously.

Respectfully Submitted,

Shallyn Carreiro
Recording Secretary

