

Board of Appeals
MINUTES
Town Hall, Banquet Room
Tuesday, March 5, 2019 at 6:00 p.m.
40 Center Street Fairhaven, MA 02719

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FAIRHAVEN,
MASS.

I. ADMINISTRATIVE BUSINESS

Quorum/Attendance: Peter Deterra, Francis Cox, Peg Cook, Rui Silva, Jaime DeSousa.

Absent: Al Silva, Darryl Manchester, Joe Borelli and Ken Kendall.

Town Building Commissioner, Kris White was also in attendance.

- Acceptance of Minutes – January 8, 2019 & February 5, 2019

Francis Cox made a motion to accept the minutes from January 8, 2019 and February 5, 2019. Seconded by Jaime DeSousa, this motion passed unanimously,

II. PUBLIC HEARINGS:

1. 30 Alder Street, Plot 43A, Lot 015: 198-22 (A)(4): Variance request for detached garage to be within 5' boundary line. 198-22(A) (2) Variance request for 4' over maximum height on accessory building, than the principal structure. 198-22 (A) (4): Variance request for shed not to be 5' from lot line; 198-18: Variance request for short 4.6' short of 20' required setback. (con't from February 5, 2019)

Mr. Briner was present and provided board with revised plan. He explained that he was working with South Coast Architects on this project and continued to explain the concept of the proposed plans.

Abutter Ted Chopper explained why he is against this project and how it affects the neighborhood that his daughter resides in. He continued to explain the congestion that the project would create.

Abutter Gary McLachlan explained that he is also against this project and continued to express his concerns with the substantial amount of activity on the lot.

Mr. Briner explained why he is doing the addition to the house and adding such a large garage. He also explained in detail about the need for the bathroom. He explained that this project would create more space for the family. He explained that the home does get rented seasonally.

Jaime DeSousa questioned the floor plan of the home.

Jaime DeSousa explained that he wasn't opposed to the renting of the home it was the size of the garage that he was concerned about. The board was in agreement with Mr. DeSousa

Discussion regarding the size of the garage.

Discussion about the Variances of the project.

Mr. Briner questioned the timeline and expiration of issued Variances.

Discussion regarding the approval of variances without garage.

The board recommended that Mr. Briner reapply and request the variances besides the garage due to the board not approving the size that is proposed at this time. The board sees no issues with the other variances besides the proposed garage.

Discussion regarding the applicant's best options pertaining to this project.

Mr. Briner explained that due to the opposition of the garage it would be in his best interest to withdraw his application and reapply for the variances without the garage.

Mr. Cox made a motion to accept the withdrawal of the application. Seconded by Jaime DeSousa, this motion passed unanimously.

2. 61 Gellette Road, Plot 31A, Lot 004; 198-16: Special Permit to house 5 Chickens in a RA District.

The applicant was present and explained why he wanted four chickens. The applicant explained that he wanted four chickens not five. He explained that the chickens were there prior to ownership of the property and ended up caring for them and explained that they were well kept and clean. He continued to explain that he wants to request a permit to have four chickens and until now was unaware of the need for a permit.

At this time Peter Deterra explained the two-part process of the Special Permit.

Jaime DeSousa made a motion to approve the request for four chickens. Seconded by Francis Cox, this motion passed unanimously.

3. 42 Grandview Ave, Plot 29C, Lots 451-454; 198-23: Special Permit request for a Home Occupation.

Francis and Rhonda Demers were present. Mr. Demers explained that he was unaware of the permit that needed to be obtained and at this time wants to request a permit for home occupation.

Loraine Jackson expressed her concerns and why she is against the issuance of this permit. She went into detail about the disruption that the business had caused in the neighborhood.

Mrs. Demers explained that she understood the reason for the violation and wants to correct it by requesting this permit.

Mr. Deterra explained to Mrs. Jackson who was visibly affected by this permit that the issues that she explained previously about the accusations of theft by the applicant is a civil matter not a zoning matter.

Discussion regarding the purpose of the hearing.

Gino Jackson explained that he was a marine and that he was against the petition. He continued to explain that the neighborhood is not equipped to handle commercial businesses.

Mrs. Jackson explained that there are commercial vehicles parked on the street and become problematic for neighbors.

Kris White explained during site visits he has not seen any commercial vehicles parked on the street at that time.

Discussion regarding the type of vehicles that are allowed to be parked on the street. Francis Cox explained that more research is needed to make a more accurate answer, so he recommends that this matter be continued to the next meeting of April 2, 2019.

Francis Cox made a motion to continue this request until April 2, 2019. Seconded by Jaime DeSousa, this motion passed unanimously.

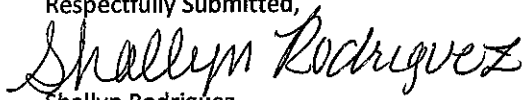
4. 35 Alder Street, Plot 43A, Lots 65 & 66. 198-18: Variance for 15' short of rear 30' setback in a RR district. 198-21: (3) Variance to rebuild after demo within two years.

Dave Davignon from Schneider and Associates was present representing the applicants. He explained that the applicants purchased the home in 2014 and can't expand laterally due to compliance issues. He continued to talk about the concept of the proposed project which is to tear down current house and rebuild to comply with FEMA regulations. He discussed the setbacks on the property.

Francis Cox made a motion to approve the variances for 35 Alder Street. Seconded by Jaime DeSousa, this motion passed unanimously.

Francis Cox made a motion to adjourn at 6:58 p.m. This motion was seconded by Jamie DeSousa, the motion passed unanimously

Respectfully Submitted,


Shallyn Rodriguez
Recording Secretary