

Zoning Board of Appeals
Tuesday June 4, 2019
Banquet room, Fairhaven town hall
40 Center Street, Fairhaven MA 02719

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2019 AUG -6 P 12:47

I. ADMINISTRATIVE BUSINESS:

Mr. Deterra opened the public meeting at 6:30 p.m. on June 4, 2019. He then informed the public that they were being televised and recorded through Government Cable Access.

Attendance: Chairman Mr. Deterra, Joe Borelli, Ken Kendall, Darryl Manchester, Rui DaSilva and Al Silva and Peg Cook. Absent: Vice-chair Francis Cox and Jaimie DeSousa.

Minutes: Approval of minutes of May 6, 2019.

Joe Borelli made a motion to approve the meeting minutes of May 6, 2019, seconded by Al Silva. This motion passed unanimously.

II. PUBLIC HEARINGS:

1. **21 Little Neck Road-198: 21 (D) Special Permit request to rebuild within two years and Variance request for 9' of front setback of dwelling and garage on corner lot to build a new dwelling, shed and garage.**

Engineer Bruce Rocha and petitioner Ronald Furbish were present and explained the concept of the plan which was to construct a new home and demolish existing building. They also explained that the variance for setback of 9ft and that the lot size is relatively small. They also explained that the new propose home will not encroach on the street.

Zoning board members discussed this matter and asked if the public had any comments on this particular public hearing.

Resident 21 Gull island Road expressed why they are in favor of the project.

Peg Cook requested dimensions.

Engineer explained building shape changes.

Rui Silva made a motion to approve the project, seconded by Al Silva, this motion passed unanimously. Special Permit was Granted by a vote of five (5) members in favor and none (0) opposed. Those in favor: Mrs. Cook, Mr. Kendall, Mr. Borelli, Mr. Manchester and Mr. DaSilva. Those opposed: none.

2. 57 Fort street-198-18: Variance request for side setback of 1'6" and rear setback of 1'3" in a Ra District for addition to rear of home.

Chuck Fogerty, project manager was present as well as Stephen Keller, AIA.

Owner Gary and Cindy Johnson were also present.

Mr. Keller explained the concept of plans as well as site survey on rear and side setbacks. He then explained that at this time they were only requesting side setback 2.7ft instead of 3.0ft after site survey so no request for rear setback.

Joe Borelli questioned the garage

Engineer explained that they are only looking for advice for the garage.

Abutter, Kate Ginsiner explained why she was for the project.

Al Silva made a motion to approve 75 Fort Street, seconded by Rui DaSilva, this motion passed unanimously. Variance Granted by a vote of five (5) members in favor and none (0) opposed. Those in favor: Mrs. Cook, Mr. Silva, Mr. Borelli, Mr. Manchester and Mr. DaSilva.

3. 41 Winona Avenue -198-18: Variance request for 14.5' from 30' required front setback for elevator in RR District.

Petitioner Timothy Jackson was present and explained why the elevator is a necessity for him. He spoke about the hardships that he is currently facing and the important the elevator is to his health.

Robert _ Engineer was also present.

Abutter, Mark Bagway explained why he is in favor of the proposed elevator.

Abutter, Sara Calife explained why she is in favor of the project.

Abutter, Everick Lacerta explained why he is in favor.

Moreen Quin explained why she is against this project and explained how with the elevator her view is greatly impacted.

Joe Borelli read aloud the State regulations and explained that the applicant is viewed as a qualified candidate to allow an elevator due to health risks and reasons.

Mr. Borelli read aloud an email from an abutter for 46 Winona Avenue that states no objection to this project.

Moreen Quin asked if there were other solutions that wouldn't impact her views.

Discussion ensued.

Ken Kendall made a motion to approve 41 Winona Avenue seconded by Rui DaSilva, this motion passed unanimously.

Special Permit Granted by a vote of four (5) members in favor and none (0) opposed. Those in favor: Mr. Silva, Mr. Borelli, Mr. Manchester, Mr. Kendall and Mr. DaSilva. Those opposed: none.

- 4. 8 Deerfield Street-198-16: special Permit for 4 chickens in a RA District.**
Karen Gent was present and explained why she wanted 4 chickens.

Mr. Deterra explained that this was a two- part process that she still needs to file with the Board of Health.

Al Silva made a motion to approve Special Permit for 4 Chickens, seconded by Ken Kendall, this motion passed unanimously. Special Permit Granted by a vote of four (5) members in favor and none (0) opposed. Those in favor: Mr. Silva, Mr. Borelli, Mr. Manchester, Mrs. Cook and Mr. DaSilva. Those opposed: none.

- 5. 86-88 Middle Street- 198-18: Variance request for 30% lot coverage over 70% allowed in the mixed- use District.**

Jerry Bettencourt was present as well as Patrick Carr. Mr. Carr explained the concept of the plan and that he was requesting 30% of lot coverage over 70% allowed and that 80% of impervious and 20% pervious. He explained that he would live to put 8 inches of concrete around building and that there will be no changes to grading.

There was discussion regarding the drain that was put in in 1999 and the two basins in front one on property and one on property.

Mr. Carr explained now there are 10 basins on property due to immense flooding outside, and there were pipes put in and two connections. He explained all issues were addressed and that the pipe was dug up for the town. Mr. Carr also explained that remaining asphalt was removed, and PVC pipe was down 4 or 5 ft.

Mr. Carr provided the board with pictures of drain. He explained the pervious areas on the property. He is looking to put in a 4,000 sq. foot patch to make it 100% impervious.

Abutter, Dave Quarta expressed why he was in favor of the project.
Karen _ of 90 middle Street expressed why she was not in favor and that she didn't receive notification of the meeting.

Discussion ensued.

Ken Kendall made a motion to approve 86-88 Middle Street, seconded by Al Silva, this motion passed with Variance Granted by a vote of four (4) members in favor and none (1) opposed. Those in favor: Mr. Borelli, Mr. Manchester, Mr. Kendall and Peg Cook. Those opposed: Mr. Silva,

6. **12 Gull Island road- 298-18: Variance request 9.1' front side setback, 16' front setback; 18.7% variance for lot coverage and 11.5% variance for building coverage for deck in a RR district.**

Owner William Karalis was present. He explained the concept of the proposed plans which explained that deck was going to be 8 Inches off ground.

Abutter_ 2 Gull Island road expressed why they were in favor of project.

Abutter_ 9 Gull Island Road expressed why they were in favor of project.

Abutter_ 6 Gull Island road expressed why they were in favor of project.

Ken Kendall made a motion to approve 12 Gull Island Road, Seconded by Al Silva, this motion passed unanimously. Variance GRANTED by a vote of five (5) members in favor and none (0) opposed. Those in favor: Mrs. Cook, , Mr. Borelli, Mr. Manchester and Mr. DaSilva and Mr. Kendall. Those opposed: none.

7. **Winsagansett Ave-198-16: Special Permit for an accessory structure on a lot without a principal use. 198-18: Variance for 15.7' front setback on East Side ; Variance for 14.0 front setback on North side . Variance request for 4.9 over the 20" max. Variance request for 6, 521sq foot requires 30,000 sq. ft lot in a RR District ; and a variance to allow the building in a front yard to construct storage area on an engineered concrete foundation.**

Owner Alexander and Sara Calife were present as well as Engineer, Keith Silvia.

Mr. Silvia explained concept of project and that the accessory structure would be used for storage and that it will be located on the north side of dwelling. The south side was old garage and is now new structure. Structures were built back

in 1923 before zoning regulations. The existing garage is encroaching on abutters property who is in favor of this project.

Abutter, Pat Lacerta expressed why this benefits the neighborhood.

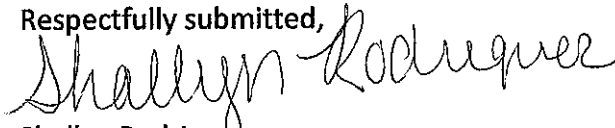
Abutter_ Mark_ expressed why he was in favor of the project.

Al Silva made a motion to approve Winnsigansett Avenue, seconded by Ruis DaSilva, this motion passed unanimously. Special Permit GRANTED by a vote of five (5) members in favor and none (0) opposed. Those in favor: Mrs. Cook, , Mr. Borelli, Mr. Manchester and Mr. DaSilva and Peg Cook. Those opposed: none.

Bills were approved and signed prior to meeting.

Ken Kendall made a motion to adjourn Seconded by Al Silva, this motion passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Shallyn Rodriguez". The signature is written in dark ink and is positioned above the printed name and title.

Shallyn Rodriguez

Recording secretary.

