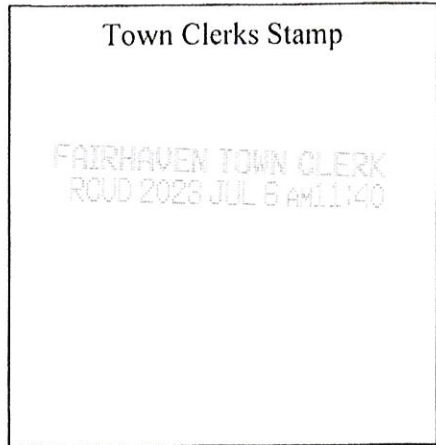




FAIRHAVEN PLANNING BOARD

Application for SPECIAL PERMIT



Fairhaven, Massachusetts

Date: June 14, 2023

The undersigned petitions the PLANNING BOARD FOR A SPECIAL PERMIT in the manner and for the reasons herein after set forth, the application of the provisions of the zoning ordinance and MGL c. 40A, § 9 to the following described Site:

Allen E. Days, Jr.

Name of Applicant(s):

42 Bellevue Street, Fairhaven, MA

Applicant(s) Address:

Phone Number: 508-997-9469 Fax Number:

Allen E. Days, Jr.

Name of Owner(s):

42 Bellevue Street, Fairhaven, MA

Owner(s) Address:

Name of Engineer/Architect:

Engineer/Architect Address:

Phone Number: Fax Number:

42 Bellevue Street, Fairhaven, MA

1. Location of Site:

2. Assessors' Plat(s): 24 Lot No(s): 41, 234-237

3. Zoning District in which Site is located: RA

4. State present use of site: Completed Pool House

5. Give size of existing building(s), if applicable: 36'x24'x10'

6. Give extent of proposed alterations, if applicable: Convert existing pool house into accessory dwelling for parents

7. Number of families building is to be used, if applicable: One

8. Have you submitted plans to the Building Inspector? Yes Has he refused a permit? Yes

9. Please attach a detailed narrative and any other documentation that supports your request.

Applicant Signature: [Signature] ATTORNEY IN FACT

Owner Signature: [Signature] ATTORNEY IN FACT

File one completed form with the Planning Board and one copy with the Town Clerk.

# MARKEY & WALSH

ATTORNEYS AT LAW

May 30, 2023

Town of Fairhaven  
Randy Bassett, Building Commissioner  
40 Center Street  
Fairhaven, MA 02719

Re: REF# ZBA-022-023  
42 Bellevue Street

Mr. Bassett:

Thank you for taking the time to meet with me yesterday. As discussed, prior to our involvement Mr. Days had applied for a variance to convert his existing pool house into an accessory dwelling for his elderly parents. Our firm now represents Mr. Days in that effort.

Mr. Days' application has been continued since August 2022. I respectfully request that his hearing be held at the next and earliest possible meeting. I further request that, to the extent that its necessary, Mr. Days' application be converted from a variance to a special permit.

With those goals in mind, I have enclosed the following materials for the Board of Appeals:

- A copy of Mr. Days' previously filed, and paid-for variance application, dated 6-14-2022.
- An updated application which now seeks a special permit instead of a variance.
- A narrative to accompany the updated special permit request.
- A site plan of Mr. Days' property at 42 Bellevue Street, Fairhaven.
- Photographs of the pool house, its adequate parking and access to Ash Street.

Best Regards,



Mike McVeigh, Esq.  
(508) 243-9796  
mmcveigh@markeywalshlaw.com

**REF#: ZBA-022-023**  
**42 Bellevue Street**

5/24/2023

Updated Narrative

The Days are seeking a special permit to convert their existing pool house into accessory dwelling unit pursuant to Zoning Bylaw § 198-32.1.

Allen Days has been a lifelong resident of Fairhaven for over sixty years. He acquired this property in November 1984, thirty eight years ago. Over the years, he and his wife have improved and increased the house to accommodate a larger family.

He and his wife fortunately have both sets of parents living nearby. Allen's parents have expressed an interest in downsizing and living closer to their family. The Days feel that this is the perfect opportunity to turn their existing pool house into separate housing for Allen's parents.

The pool house is completely self-contained with the exception of a cooking appliance. It is approximately 1000 sq. ft. with a wet bar, full bath, laundry and smoke alarms. It has its own off street parking, its own separate access onto Ash Street. It does not infringe on any front or side setbacks.

A special permit may be granted in this case because the lot meets the minimum required size, the dwelling unit will be of adequate size, the building is existing and was previously approved by the building department, there are no material expansions proposed for the existing structure, the structure already has the required parking, and the unit is already tied into water and sewer.

Furthermore, the proposed conversion is in harmony with the general purpose of the bylaw because the accessory dwelling unit would promote the development of affordable housing. The existing structure would not require further expansion, and is already within the character of the overall neighborhood.