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2008 DEC -3 P 1:21

FAIRHAVEN,
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I certify that 20 days have elapsed since date of filing with the Town Clerk and no notice of appeal and no revisions have been made since the date of filing.

Date:

Dec 24, 2008
Cheryl M. Lowmy
Town Clerk

TOWN OF FAIRHAVEN
BOARD OF APPEALS

Town Hall, Fairhaven, Mass. 02719

December 2, 2008

The Fairhaven Board of Appeals met on December 2, 2008 at 6:00 PM at the Fairhaven Town Hall. Members present were: Ms. Cook, Mr. Borelli, Mr. Fleurent, Jr., Mr. Manchester, Mr. Cox, Mr. Morra, Mr. Kendall, Mr. Silva and Mr. DeTerra. The following petition was considered:

Petitioner: Junni Kitadae by Dan Gifford 11 Cherry Street Plat 13, Lot 37 Book 9030, Page 100
198-16 Special Permit is required for a museum in a RA District.
198-18 Short 9'6" on the south side of the required 10' side setback and 16% over the maximum allowed building coverage of 30% in a RA District.

The petition was read and there were 49 abutters notified. Dan Gifford, architect, represented the petitioner as the owner resides in Japan. Mr. Gifford stated that they would like to open the boyhood home of Mr. Manjuro as a museum. They are working on behalf of the Whitfield-Manjuro Friendship Society to renovate and restore the home of Mr. Manjuro who resided at this property while under the care of Captain Whitfield. The request for a variance is due to the placement of a new rear deck that will be used for functions and gatherings. It has been engineered for that purpose. The proposal maintains the side setbacks of the house. Between the deck and the existing carriage house will be a Japanese garden, which is being designed by a Japanese landscape architect who resides in Boston. The carriage house will be totally Japanese in style and will be used as an activity center for both ceremonial and educational purposes for American and Japanese visitors.

In Favor: Mr. Rooney, president of the Friendship Society who stated that when the construction is completed the property will be donated to the Town for social events and educational purposes.

Mr. Volkin, P.E., engineer in residence for the project, stated this is an optimum use of a historical treasure. The structure will be brought into code compliance including accessibility.

Diane Tomassetti, 2 West Street, spoke in favor of the proposal.

Herb Baker, 45 Oxford Street, spoke in favor of the proposal.

Questions: Edward Sirois, 235 Green Street and owner of 12 Cherry Street expressed concern on parking and increased traffic on very narrow streets.

Mr. Volkin presented a site plan showing there is room on site for a few vehicles. Mr. Gifford stated that any large group would be brought in by shuttle. Toyota Company may be donating two shuttle vans for this purpose. Over the past summer 5 relatively large groups ranging from 2 to 43 people visited the site and there was no congestion. A large busload of students arrived and the bus parked on Main Street and the visitors walked the short distance to 11 Cherry Street.

Mr. Fleurent, Jr. had many questions on parking stating he would not want a quagmire of congestion in the residential neighborhood. Mr. Gifford stated there had been a number of neighborhood meetings over the past few weeks regarding this request and the same questions were brought up and resolved to the satisfaction of the neighbors. No large buses will be allowed to enter the site.

Mr. Rooney stated there is an office on site that is open daily and the museum will be open year round. They have not experienced any site congestion and have handled each situation as it arises. He stated the Colonial Club is just across from this site and it holds large functions periodically without problems or complaints.

Mr. DeTerra recommended the Board condition the Special Permit to control traffic and parking.

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Mr. Simmons, Town resident, stated he has concerns about large vehicles in the area but is in favor of the project.
 Mr. Sirois, 235 Green Street, stated he is in favor of the project.

Motion to grant the Variance was made by Mr. Cox; seconded by Mr. Silva.

Members voting to grant the Variance: Ms. Cook, Mr. Borelli, Mr. Manchester, Mr. Cox and Mr. Morra

The Board voted 5-0 to grant the Variance of nine feet six inches (9'6") of the required ten feet (10') side setback on the south side and sixteen percent (16%) over the maximum allowed building coverage of thirty percent (30%) in a RA District as set forth in Section 198-18 of the By-Laws for the following reasons:

- 1.0 The lot is a small lot and not granting the Variance does constitute a hardship.
- 2.0 Granting this relief will not derogate from the intent and purpose of the By-Law.
- 3.0 Granting this relief will not adversely affect the zoning district in which it is located.

Motion to grant the Special Permit with the condition that no large buses or vehicles with visitors to the museum are allowed in the area was made by Mr. Cox; seconded by Mr. Kendall.

Members voting to grant the Special Permit as conditioned: Ms. Cook, Mr. Borelli, Mr. Manchester, Mr. Cox and Mr. Kendall

The Board voted 5-0 to grant the Special Permit to operate a museum in a RA District as set forth in Section 198-16 of the By-Laws with the condition that no large buses or vehicles with visitors to the museum be allowed in the area for the following reasons:

- 1.0 The request is in keeping with the requirements of the By-Law. Not granting the Special Permit would constitute a hardship.
- 2.0 Granting this relief does not derogate from the intent and purpose of the By-Law.
- 3.0 Granting this relief will not adversely affect the zoning district in which it is located.

Peter DeTerra
 Peter DeTerra,
 Chairman