

Fairhaven Board of Appeals
Tuesday, June 5, 2018 – 6:00p.m.
Town Hall – Banquet Room

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I. ADMINISTRATIVE BUSINESS:

Quorum/Attendance: Present: Chairperson, Peter DeTerra, Kenneth Kendall, Albert Silva, and Peg Cook, Rui DaSilva, and Darryl Manchester

Absent: Francis Cox, Joe Borelli, and Jamie DeSousa

Acceptance of Minutes – May , 2018 – none to be approved.

II. PUBLIC HEARINGS:

RESCHEDULED HEARINGS:

1. **Petitioner: Richard Tavares**, RE: 33 Charity Stevens Lane, Pot 40, ot15C, Book 12085 and Page 52. 198-16: Special Permit required to have an in-law apartment in an RR District.

Peter DeTerra advised the board a letter was submitted from the applicant to withdraw the application.

Albert Silva made a motion to withdraw without prejudice and was seconded by Darryl Manchester. The motion passed unanimously.

2. **Petitioner: William J. Alphonse**, RE: 1 Mina Street, Plot 37A, Lots 612-615, Book 6787 and Page 246. 198-18: Short 8,256 sq ft. of required 15,000 sq ft. and 11" short on West side and 20" short on south side of required 100' frontage, all within an RA District.

Ben Dowling, representing Mr. Alphonse – seeking a variance – primary point is lot size. Originally here in April, bumped last month –

Depiction of the neighborhood – spreadsheet showing all the lots in the neighborhood & size. Of the 52 lots in this area, 28 are non-conforming by size; less than 15,000 sq ft. 5 lots that are smaller than 1 mina street with a house on it right now.

Mr. Alphonse has been paying a sewer betterment – simply not fair that he's paying a sewer betterment that he wont be able to ever use.

Land owned by Mr. Alphonse dad previous to him.

Rafael, 33 Nancy St - asked for same variance 2 years ago & was not granted the same. I'm not against the petitioner but I want to see what this board is going to do. And my lot is twice the size as his.

Francis Cox arrived at 6:15pm

Francis Cox said we have a history of not approving these, he bought it knowing it was a non conforming lot.

Peter DeTerra said your over 50% of what you need to make it a conforming lot. He said its not grandfathered.

Peg Cook argued it was more money for the Town if there was a house on it

Albert Silva made a motion to approve and was seconded by Francis Cox. 4-1 opposed, Albert Silva, Darryl Manchester, Francis Cox and Peter DeTerra opposed; with Peg Cook in favor. Variance was DENIED.

3. **Petitioner: Kate Markey & David Cope**, RE: 333 Huttleston Avenue, Plot 31, Lot 015, Book 12131 and Page 46. 198-16: Special permit required for livestock raising under 5 acres) in an RA District.

Ms. Markey stated she wanted to get 6 chickens.

Mr. Cox read a letter from an abutter, Susan York, 334 Huttleston Avenue opposing the chickens.

Kenneth Kendall made a motion to approve 6 chickens and was seconded by Francis Cox. Peg Cook, and Darryl Manchester was in favor, with Rui DaSilva, Kenneth Kendall, Peter DeTerra and Francis Cox in opposition. The motion was denied 4-2.

4. **Petitioner: George R & Sharon C. Mendonca**, RE: Frederick Avenue, Plot 29A, Lots 168-169, Book 2013 and Page 343. 198-18: Short 40' of required 140' frontage; short 20,000 sq. ft. of required 140; 2% over max building coverage of 15% all within an RR District.

George Mendonca was present. He was waiting by for his engineer, Al Ewing.

Francis Cox asked for a motion to continue until the end of the meeting and it was seconded by Kenny Kendall. Motion passed unanimously.

5. **Petitioner: David Small**, RE: 16 Widemarsh Beach Way, Plot 29, Lot 33. 198-18: Short 12' in a required 30' setback in an RR District.

David Small was present and stated it was 2' short, not 12'.

Mr. Small has a deck that needs repair, was put on the house originally in 1969. Road in front of the home, but never been developed; the road has always been grass. Mr. Small said wants to extend the deck 2'.

Mr. Cox stated there were 4 letters in favor of the board.

Francis Cox made a motion to approve and was seconded by Kenneth Kendall. The motion passed unanimously 6-0. Variance Granted.

6. **Petitioner: Matthew Brodo**, RE: 76 Farmfield Street, Plot 04, Lot 290, Book 12197, Page 341. 198-18: Short 7' of required 20' front setback corner lot.

Matt Brodo was present stated 7' short of the 20' front setback. Triangular lot. Adding a master bedroom suite and a 2 car garage.

Abutter, Katherine Lopes asked to see the plans and Mr. Brodo showed her.

Francis Cox made a motion to approve the variance and was seconded by Kenny Kendall. The motion passed 6-0 with Francis Cox, Darryl Manchester, Peg Cook, Ruy DaSilva and Kenneth Kendall approving. The variance was granted.

7. **Petitioner: Christopher J. Ingrande**, RE: 689 Scoticut Neck Road, Plot 42, Lot 14A, Book 12367 and Page 212. 198-18: Short 4' of required 5' setback on East & South sides. 198-22 A-1: 580 sq ft over max of 700 sq. ft for an Accessory Building.

Christopher Ingrande was not present.

Francis Cox made a motion to table until the end of the meeting and was seconded by Kenny Kendall. The motion passed unanimously.

Kenneth Kendall made a motion to re-open Petitioner George R & Sharon Mendonca as the engineer was now present; seconded by Francis Cox. The motion passed unanimously.

#4 – Al Ewing was present to represent Mr. Mendonca. Mr. Ewing reviewed the project with the Board.

Mr. Mendonca stated he has owned the property for 31 years and its been in his family for 45 years.

Francis Cox read a letter from Bill Roth stating the lots are not grandfathered into the record.

Resident, abutting the property showed wildlife pictures in that area and stated he would hate to see it cut down.

There were a few questions from the audience members who gave their opinion on the large square footage variance the applicant was requesting.

Francis Cox made a motion to grant the petition, and was seconded by Albert Silva. The motion was denied unanimously. Albert Silva, Darryl Manchester, Francis Cox, Peter DeTerra and Peg Cook voted for denial.

NEW PUBLIC HEARINGS:

1. **Petitioner: Hans R. Doherty**, RE: 121 Farmfield Street, Plot 2, Lot 7, Book 5595, Page 13, 198-16: Special Permit required for a Bed & Breakfast in an RA District.

Hans Doherty was present. Mr. Doherty stated there was a misconception of what he is applying for. He said his intentions is to do a weekly summer rental of his property. He said he was looking for upscale clients to rent his home of up to \$4,000 a week in rental.

He said he was not looking for an airb&b or nightly rentals. He said he was looking to Mr. Fostin to open a business certificate in his business name and that's why he was told to come to Board of Appeals. He said he was not applying for a bed & breakfast.

Francis Cox said if he was not applying for a B&B, he didn't know why they were listening to this request.

Mr. DeTerra stated he wanted to acquire a business certificate and that's why he was told to come here.

Peg Cook asked why he wasn't just renting it like everyone else. She said the only option is a B&B and that's why he is present.

Mr. Manchester wasn't sure he was before the Board.

Mr. Kendall stated he was applying for a home occupation business.

Mr. DeTerra stated they can only vote for what's before them, and that's the B&B.

Mr. DeTerra felt that the applicant should continue it and get more information.

Mr. Silva made a motion to continue this applicant with his permission and was seconded by Mr. Cox. The motion passed unanimously.

Residents and abutters asked to speak on behalf of their oppositon, and Mr. Cox explained to them that it didn't make sense to hear from them if the applicant wasn't even sure what was written and what he was applying for.

2. **Petitioner: Michael F Cardoso**, RE: 54 Gilbert Street, Plot 29D, Lot 28A, Book 9720 and Page 170. 198-18: Short 9' of required 20' side yard west side in an RR District.

Michael Koska was present on behalf of the petitioner, Michael Cardoso.

Mr. Koska staed his client wanted to build a garage, 30x40.

Mr. Koska gave a few letters in favor from the abutters.

Resident, Mr. Ryan had no objection to the project.

Francis Cox made a motion to grant the variance and was seconded by Kenny Kendall. The motion passed unanimously with Albert Silva, Darryl Manchester, Francis Cox and Kenneth Kendall in favor.

3. **Petitioner, Doug Medeiros** RE: 131 Shaw Road, Plot 32, Lot 041A, Book 2518, Page 122. 198-18: Short 12' of required 30' side yard; 198-22: Accessry Buildings 308 sq ft. over max of 700 sq. ft.

Mr. Medeiros was to speak on behalf of the garage and a little wood shop he wanted in the back of it. He said the water table is high in his area so it's not useable.

Kenneth Kendall abstained from the vote as a family member is known to the Medeiros'.

Francis Cox made a motion to grant the variance and was seconded by Albert Silva. The motion passed unanimously, with Albert Silva, Darryl Manchester, Francis Cox, Peg Cook and Ruy DaSilva in favor.

In other business, not available until 48 hours prior to the meeting, Mr. DeTerra added that the Stratford Group (Oxford School) was looking for a modification of 180 units to 154 units with the Board of Appeals approval for a non substantial use.

Darryl Manchester stated there was a review of emails back and forth, but he couldn't see what they wanted to do.

Mr. DeTerra stated it had something to do with the historical part of the school.

Mr. Manchester said that the Stratford Group would have to file a request for a modification.

Mr. DeTerra stated that it's really on the continuous of a prior meeting as it's been going back and forth for a long time.

Ms. Cook asked how they determine what 'substantial' is.

Discussion on the units only.

Francis Cox made a motion to grant the non substantial change for Stratford Group from 180 to 154 units of the Oxford School building and was seconded by Ruy DaSilva. The motion was granted anonymously. Darryl Manchester, Albert Silva, Francis Cox, Peter DeTerra, Peg Cook, Ruy DaSilva and Kenneth Kendall were all in favor.

Kenneth Kendall made a motion to reopen petitioner Christopher Ingrande as the petitioner seeking short 4' of required 5' setback on East & South sides & 580 sq ft over max of 700 sq ft. for an Accessory Building.

Mr. Ingrande was not present.

Kenneth Kendall made a motion to approve and was seconded by Francis Cox. The motion was denied by 4-1; Peg Cook, Ken Kendall, Albert Silva, Francis Cox and Darryl Manchester in favor of the denial and Peter DeTerra in opposition.

Kenneth Kendall made a motion to adjourn and was seconded by Francis Cox. The motion passed unanimously.

Respectively submitted,



Patricia A. Pacella
Recording Secretary