



TOWN OF FAIRHAVEN
BOARD OF APPEALS
Town Hall, Fairhaven, Mass. 02719

February 1, 2011

The Fairhaven Board of Appeals met on February 1, 2011 at 6:00 PM at the Fairhaven Town Hall. Members present were: Mr. Peter DeTerra, Mr. Joseph Morra, Mr. Rene Fleurent, Jr., Mr. Kenneth Kendall, Mr. Albert Silva, Mr. Fran Cox and Ms. Peg Cook. The following petition was considered:

Petitioner: Eric S. Britto 50 Manhattan Avenue Plat 28A, Lot 433 Certificate #22097
198-18 Short 6' on the west side of the required 10' side setback, short 23' on the north side of the required 30' rear setback and 10% over the maximum allowed building coverage of 30% all within a RA District.

The petition was read and there were 54 abutters notified. The petitioner would like to construct an 18'x19' single-car garage with attic storage space. He has owned the property for 10 years and is in need of storage space because his home is on a slab and he has no cellar. The former owner had a metal storage structure on site which was similar in size to this request. The petitioner removed the structure to make a larger yard for his young family. However, the family now requires more space. The lot is odd shaped and there is no other place to put the garage because of the existing driveway, therefore the need for the variance.

In Favor: The petitioner Opposed/Questions: None

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

Board members voting to grant the Variance: Mr. Cox, Ms. Cook, Mr. Morra, Mr. Fleurent, Jr. and Mr. Kendall

The Board voted 5-0 to grant the Variance of six feet (6') on the west side of the required ten feet (10') side setback, twenty three feet (23') on the north side of the required thirty feet (30') rear setback and ten percent (10%) over the maximum allowed building coverage of thirty percent (30%) all within a RA District as required by Section 198-18 of the By-Laws for the following reasons:

- 1.0 The lot is odd shaped and a Variance is required for the proposal. Not granting the Variance would create 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.

Peter DeTerra,
Chairman

50 MANHATTAN



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Petitioner: Richard F. Nunes, Jr. & Lori Perry Nunes 260 Mill Road Plat 38, Lot 13L Book 6742, Page 13
198-18 Short 8' of the required 30' rear setback.
198-28 A Special Permit is required for construction of more than 500 sq ft within the Nasketucket River Basin
198-23 A Special Permit is required for a Building Trade home occupation.

The petition was read and there were 20 abutters notified. The petitioner would like to construct a 28'x48' three stall attached garage with breezeway. The space will be used to store his vehicles and tools. He is in the plumbing trade with his father who is an immediate abutter. When he built the house in 2004 he had it designed for a garage and is just now able to construct it. The variance is required for the rear setback because of the slope differential and shape of the lot. For the home occupation, he stated he has always operated his business office from his home and just recently learned that it requires a Special Permit from the Board in order to do so. He has read Section 23 of the By-Law and is now, and will continue to be, compliant with the requirements.

In Favor: The petitioner and Mr. Timothy Cox, 103 Center Street, Fairhaven. Opposed/Questions: None

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

Board members voting to grant the Variance: Ms. Cook, Mr. Cox, Mr. Silva, Mr. Fleurent, Jr. and Mr. Kendall.

Motion to grant the Special Permit for construction in the Nasketucket River Basin was made by Mr. Cox; seconded by Mr. Morra.


Board members voting to grant the Special Permit for construction in the Nasketucket River Basin: Ms. Cook, Mr. Cox, Mr. Morra, Mr. Kendall and Mr. Silva

Motion to grant the Special Permit for Building Trade home occupation was made by Mr. Cox; seconded by Mr. Morra.

Board members voting to grant the Special Permit for Building Trade home occupation: Ms. Cook, Mr. Cox, Mr. Fleurent, Mr. Silva and Mr. Morra.

The Board voted 5-0 to grant the Variance of eight feet (8') of the required thirty feet (30') rear setback as required in Section 198-18 of the By-Laws and a Special Permit for construction of more than five hundred square feet (500 sq ft) within the Nasketucket River Basin as required in Section 198-28 of the By-Laws and a Special Permit for a Building Trade home occupation as required in Section 198-23 of the By-Laws for the following reasons:

- 1.0 The Variance is required due to the slope and shape of the lot. The petitioner is compliant with the By-Law requirements for the Special Permits. Not granting the Variance and Special Permits would create a hardship.
- 2.0 Granting this relief will not derogate from the intent and purpose of the By-Laws.
- 3.0 Granting this relief will not adversely affect the zoning district in which it is located.


Peter DeTerra,
Chairman

460 Mill