



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

October 4, 2011

The Fairhaven Board of Appeals met on October 4, 2011 at 6:00 PM at the Fairhaven Town Hall. Members present were: Mr. Joseph Borelli, Mr. Rene Fleurent, Jr., Mr. Kenneth Kendall, Mr. Fran Cox, Mr. Peter DeTerra, Mr. Al Silva, Mr. Daryl Manchester and Ms. Peg Cook. The following petition was considered:

Petitioner: Laurel Street Trust, Daniel E. & Diane Tichon, Trustees 120 Laurel Street Plat 10, Lot 126B Book 5172, Page 148
198-18 Short 8' of the required 10' side setback in a RA District.

The petition was read. There were 51 abutters notified. Mr. Tichon presented a site plan and proposed addition/renovations which are part of this record. The property is occupied by his sister and another lady who require accessible access to the dwelling with a ramp and an accessible bathroom. The lot is small and there is nowhere else to place the required construction.

In Favor: The petitioners.

Opposed/Questions: Ms. Broughton, daughter to an abutter, who wished to view the site plan. There was no opposition.

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

Board members voting to grant the Variance: Ms. Cook, Mr. Borelli, Mr. Manchester, Mr. Cox and Mr. Kendall

The Board voted 5-0 to grant the Variance of eight feet (8') of the required ten feet (10') side setback in a RA District as required in Section 198-18 of the By-Law for the following reasons:

- 1.0 The lot is small and the 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



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Petitioner: Robert J. Sutton 34 Walnut Street Plat 9, Lot 99 Book 8135, Page 47
198-19 B No boundary fence, wall or hedge shall exceed six feet in height and no boundary fence, wall, hedge or other landscape feature which obstructs vision shall exceed 42" in height within any required front yard or within 20 feet of the street, whichever is the lesser requirement.

The petition was read. There were 39 abutters notified. The petitioner stated the present height of the hedges is 7' because the house abuts the town hall and there is no privacy from this very public building. The paved way behind the town hall is not an accepted street nor is it a paper street. He believes the only use is for emergency access. If he must maintain the hedges at 42" he will have no privacy from this three story building.

In Favor: John O'Brien, 29 Walnut Street was in favor of maintaining the hedges at their present height.

Opposed/Questions: none

Mr. Silva asked if the petitioner would object to trimming the hedges to 6'. The petitioner stated he could do that. Mr. Borelli stated this is a common problem in Town and to have to cut the hedges to 42" in height and up to 20' from the street would leave little privacy in a small backyard.

Motion to grant the Variance with the condition that the hedges be trimmed to six feet in height across the length of the hedges was made by Mr. Silva; seconded by Mr. Kendall.

Board members voting to grant the Variance as conditioned: Mr. Manchester, Ms. Cook, Ms. Cox, Jr., Mr. Silva and Mr. Borelli.

The Board voted 5-0 to grant the Variance and allow a boundary fence, wall, hedge or other landscape feature which obstruct vision to not exceed six feet (6') in height within any required front yard or within twenty feet (20') of the street as required in Section 198-19B of the By-Law for the following reasons:

- 1.0 The lot is small and the variance is required to allow for privacy in the yard. 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