

February 7, 2012

The Fairhaven Board of Appeals met on February 7, 2012 at 6:00 PM at the Fairhaven Town Hall. Members present were: Mr. Rene Fleurent, Jr., Mr. Kenneth Kendall, Mr. Al Silva, Mr. Fran Cox, Mr. Peter DeTerra, Mr. Daryl Manchester and Ms. Peg Cook. The following petition was considered:

Petitioner: Kathleen Curbone 6 Morgan Street Plat 19, Lot 290 Book 5723, Page 57  
198-18 Short 32' of the required 45' rear setback and short 8' on the east side of the required 15' side setback in a RB District.

The petition was read. There were 56 abutters notified. The petitioner would like to construct to the rear of the house, a 10'x12' three-season room with a 4' composite deck surrounding three sides. The room and deck will add to the use of the house. The lot is small and a variance is required.

In Favor: Ms. Curbone

Opposed/Questions: None

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

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

The Board voted 5-0 to grant a Variance of thirty-two feet (32') of the required forty-five feet (45') rear setback and eight feet (8') on the east side of the required fifteen feet (15') side setback in a RB District as required in the By-Law Section 198-18 for the following reasons:

- 1.0 The lot is small and a Variance is required for an addition. 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: Bernard J. Ristuccia 24 Nelson Avenue Plat 43, Lot 37-38 Book 9498, Page 120  
198-18 Short 9' of the required 30' front setback, short 17' of the required 20' side setback, short 13' of the required 30' rear setback and  
10% over the maximum allowed building coverage of 15% all within a RR District.

This is a continued hearing from January 3, 2012.

Motion to open the hearing was made by Mr. Cox; seconded by Mr. Kendall. Vote was unanimous.

A written request from Mr. Ken Ferreira, Ferreira Engineering of New Bedford was read requesting a continuance to March 7, 2011. The request is part of the record.

Motion to continue the hearing was made by Mr. Fleurent, Jr.; seconded by Mr. Cox. Vote was unanimous.

Peter DeTerra,  
Chairman