

## MINUTES OF BOARD OF APPEALS MEETING OF July 2, 2013: Town Hall Banquet Room

### I. ADMINISTRATIVE BUSINESS

Chairman Peter DeTerra – Opened the meeting at 6:00 p.m.

#### Quorum/Attendance

Members Present – Chairman Peter DeTerra, Fran Cox, Jr., Joseph Borelli, Peg Cook, Rene Fleurent, Jr. (Assoc.), and Jaime DeSousa (Assoc.)

Minutes: Chairman DeTerra asked for a motion to accept the minutes of June 4, 2013. Mr. Fleurent, Jr. motioned to accept the minutes. Mr. DeSousa seconded. The vote was unanimous.

### II. PUBLIC HEARING:

1. Petitioner: Daniel W. Gibbs, 58 Ocean Avenue, Plat 29C, Lot 249-250, Book 9563 and Page 17; Administrative Appeal to alter special conditions issued by the Board of Appeals on May 4, 2010 and March 5, 2013 to construct a single-family dwelling.

The petition was read and there were 43 abutters notified. The petitioner is the new owner of the property. The former approved set of plans was for a 20'x26', 1300 square foot home. He would like to construct a more appealing dwelling using the same footprint for the two bedroom dwelling by making two changes: a full second floor by changing the roof line and a full basement. The finished roof height would be 29' as compared to the old plan height of 22'3". The deck he had proposed has since been withdrawn from the request.

Mr. Leaver, 55 Seaview Avenue, is opposed to the petition. His home is just 30' to the rear of the property. The proposal is a large house for a small lot. He is concerned about the shallow groundwater and presence of ledge. The water may be diverted to his property. Mr. Leaver stated the change in the plans would block his view from his deck. Mr. Gibbs stated it would not. Mrs. Leaver also spoke stating she was concerned with the variances given.

Mr. Fleurent, Jr. asked to see the plans of record that were approved on May 4, 2010. The Board reviewed the old plans and the proposed plans. Mr. Fleurent, Jr. explained that the petition request is to amend the former approved plans of May 4, 2010 which the Board had approved as a compromise plan that was agreed upon by the abutters and former owner. The Board should not go back on that approval.

Ms. Cook asked if it was possible to keep the roof line of the May 4, 2010 plan and have a full basement. This might be a compromise on the request. Mr. DeSousa stated there would be construction and engineering complications with that proposal. David Davignon, P.E. of N. Douglas Schneider & Associates, Mattapoisett seated in the audience, stated it might be more appropriate for the petitioner to change the design and come back to the Board on that request. Mr. Gibbs stated there was no one present to object to the height change. Mr. Cox, Jr. stated that a direct abutter had been present but was called away to work. Mr. DeSousa asked if the same abutters had been notified of the hearing. Yes, was the response. Mr. Gibbs stated that he just wants to build the house because it is for sale and not for his use. Mr. Fleurent, Jr. iterated that the approved plan of May 4, 2010 was the best design because it conforms to the needs of the neighborhood.

Mr. Fleurent, Jr. motioned to grant the Administrative Appeal; Mr. Cox, Jr. seconded.

Members voting to grant the Administrative Appeal: Mr. DeSousa

Members voting not to grant the Administrative Appeal: Ms. Cook, Mr. DeTerra, Mr. Fleurent, Jr. and Cox, Jr.

The Administrative Appeal is DENIED with a vote of one (1) in favor and four (4) opposed.

2. Ronald Oliveira, 2 Meadow Lane, Plat 30, Lot 25, Book 10794 and Page 101. 198-28: A Special Permit is required for construction of a single-family dwelling in the Nasketucket River Basin (NRB).

The petition was read and there were 8 abutters notified. The petitioner was represented by David Davignon, P.E. of N. Douglas Schneider & Associates, Inc. of Mattapoisett. Site plans were presented. This is a site of a foreclosed home that was recently demolished. The proposal is to construct a new two-story dwelling and garage on the 1.25 acre site. The plans have been approved by the Conservation Commission.

Mr. Cox, Jr. motioned to grant the Special Permit; Mr. Fleurent, Jr. seconded.

Members voting to grant the Special Permit: Ms. Cook, Mr. Borelli, Mr. Cox, Jr., Mr. Fleurent, Jr. and Mr. DeSousa.

Members opposed: None

The Special Permit is GRANTED with a vote of five (5) in favor and none (0) opposed.

### **III. OTHER BUSINESS:**

#### **ADJOURNMENT**

Mr. Cox, Jr. moved to adjourn the meeting. Mr. DeSousa seconded. The vote was unanimous. The meeting was adjourned at 6:40 PM.

Respectfully Submitted,  
Patricia Fowle, Secretary