

MINUTES OF BOARD OF APPEALS MEETING OF September 3, 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, Daryl Manchester, Ken Kendall (Assoc.), Al Silva (Assoc.), Rene Fleurent, Jr. (Assoc.) and Jaime DeSousa (Assoc.)

Minutes: Chairman DeTerra asked for a motion to accept the minutes of August 6, 2013. Mr. Cox, Jr. motioned to accept the minutes. Mr. Kendall seconded. The vote was unanimous.

II. PUBLIC HEARING:

1. Petitioner: Joseph Travis, 10 Gull Island Road, Plat 43A, Lot 212, Certificate #20289; 198-18: 4% over the maximum allowed building coverage of 15% in a RR District.

The petition was read and there were 36 abutters notified. The petitioner would like to place a shed in his yard to store tools and lawn mower.

No one spoke in favor or against the petition.

Mr. Borelli questioned the lot dimensions. Mr. DeTerra stated the request concerns lot coverage only. Mr. Fleurent, Jr. stated the existing house itself is greater than the present lot coverage allowed and the requested shed therefore requires the variance. No further discussion ensued.

Mr. Kendall motioned to grant the Variance; Mr. Silva seconded.

Members voting to grant the Variance: Mr. Borelli, Ms. Cook, Mr. Cox, Jr., Mr. Manchester and Mr. Silva.

Members voting not to grant the Variance: None

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

2. Caroline Percy Marcoux, 114 Balsam Street and Lots 27-28, Plat 43A, Lot 26 (house) and Lots 27-28 (vacant land), Certificate # 22705 for Lot 26 and Certificate #20293 for Lots 27-28. (Lot 26) 198-18: Short 19' of the required 20' side setback, short 10' of the required 30' front setback and short 16,680 sq ft of the required 30,000 sq ft in a RR District. (Lots 27-28) 198-18: Short 20' of the required 140' frontage in a RR District.

This is a continued petition hearing. Mr. Fleurent, Jr. motioned to re-open the hearing; Mr. Cox, Jr. seconded. The vote was unanimous. Mr. Borelli and Mr. Kendall removed themselves from the discussion.

The petitioner read from a prepared statement that is part of this record. The petitioner noted a substantial financial hardship over 4 years trying to sell the house regarding realtors, house repairs, renovations and staging. Other hardships noted were stress, time and personal issues. The petitioner stated that she believes the law allows for the Board to grant the requested variance because of these hardships.

Charles Caron, 113 Balsam said he was present again to re-iterate his displeasure with the placement of a septic system along the shore and a house blocking his view.

Ann Rogers, 106 Balsam Street questioned the purpose of the variance request as it is her understanding the hardship must run with the land. She stated the two proposed lots would not meet the intent of the law and would create a high density use. She asked the Board if the variance was granted would it go with the land and new owners. The response was yes.

The petitioner countered that the Board had heard from many abutters at the last meeting that were in favor of the request. The two abutters opposed to the request are not full-time Fairhaven residents.

A letter from Town Counsel Thomas Crotty was read. The letter explained the application of the law as it relates to the variance request from the petitioner. Attorney Crotty stated the petitioner cannot legally be granted the variance. The petitioner disagreed. No further discussion ensued.

Mr. DeTerra motioned to grant the Variance; Mr. Fleurent, Jr. seconded.

Members voting to grant the Variance: None

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

The Variance is DENIED with a vote of none (0) in favor and five (5) opposed.

III. OTHER BUSINESS:

ADJOURNMENT

Mr. DeSouza moved to adjourn the meeting. Mr. DeTerra seconded. The vote was unanimous. The meeting was adjourned at 6:35 PM.

Respectfully Submitted,
Patricia Fowle, Secretary