

MINUTES OF BOARD OF APPEALS MEETING OF March 4, 2014: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

The meeting was called to order by Chairman Peter DeTerra at 6:00 p.m.

Quorum/Attendance

Members Present – Chairman Peter DeTerra, Fran Cox, Jr., Peg Cook, Daryl Manchester, Ken Kendall (Assoc.), Jaime DeSousa (Assoc.), and Rene Fleurent, Jr. (Assoc.)

The Chairman asked for a motion to approve the invoice for advertisement of the hearing at \$180. Mr. Cox, Jr. made the motion; Mr. Kendall seconded. The vote was unanimous. The invoice was signed.

Minutes: Chairman DeTerra asked for a motion to accept the minutes of February 4, 2014. Mr. Cox, Jr. motioned to accept the minutes. Mr. Kendall seconded. The vote was unanimous.

II. PUBLIC HEARING:

1. Petitioner: Brenda & Nuno Ferreira, 11 Lawton Street, Plat 6, Lots 52-53, Book 10615 and Page 151; 198-19 B: No boundary fence, wall or hedge shall exceed 6' in height.

The petition was read and there were 47 abutters notified. The petitioners purchased the property 12 years ago with the existing hedges at the present 6' height. The property runs from street to street and there is an above ground pool in the rear yard. They have two teenage daughters and a young son. The hedges afford both privacy and safety for the children when they are in the yard. There are no driveways abutting their property. The hedges do not interfere with anyone backing from a driveway into the street. Their driveway is wide and can accommodate up to four cars. They believe the hedges are not an obstruction. Photos of other tall hedges in town were presented. Based on a received complaint, the Building Commissioner sent the Ferreira's a notice to cut the hedges to 42" tall from the street back 20' but not understanding the need they did not comply. The matter went before Southeastern Massachusetts Housing Court where the matter was remanded to the Board of Appeals to see if a Variance would be granted. Ms. Cook stated she did not see that the hedges caused any driving obstruction. Mr. DeSousa stated the By-Law requires for safety that all hedges be no more than 42" in height up to 20' from the street. It is a matter of applying the By-Law. Mr. Fleurent, Jr. stated it is a By-Law issue.

Mr. Cox, Jr. motioned to grant the Variance; Ms. Cook seconded.
Members voting to grant the Variance: Ms. Cook, Mr. Cox, Jr. and Mr. Manchester.
Members voting not to grant the Variance: Mr. DeTerra and Mr. De Sousa

The petition is DENIED with a vote of three (3) in favor and two (2) opposed.

2. Petitioner: Thomas E. Wilson, 51 Grandview Avenue, Plat 29C, Lots 563-569, Book 10273 and Page 008; 198-18: Short 14' of the required 30' front setback, short 8' of the required 30' rear setback in a RR District.

The petition was read and there were 35 abutters notified. The petitioner was represented by Gary Brackens, Residential Designer, Fairhaven. The existing home is a small one bedroom ranch. The proposal is to construct a front entry way, mudroom and a master suite with a bathroom. The original house had two bedrooms but it was altered years ago and the second small bedroom became a utility room. The property is on town sewer and water. Plans were provided and are part of this record.

Motion to grant the Variance was made by Mr. Fleurent, Jr.; seconded by Mr. Cox, Jr.
Members voting to grant the Variance: Ms. Cook, Mr. Manchester, Mr. Cox, Jr., Mr. Fleurent, Jr. and Mr. Kendall.
Members voting not to grant the Variance: None.

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

3. Petitioner: Mark W. & Theresa R. Wright, 6 Misty Bay Road, Plat 43C, Lots 87-88, Certificate #23180;
198-18: Short 18.5' of the required 30' front setback; 5% over the maximum allowed building coverage of 15% in a RR District
198-22 A2: 12" higher than the maximum allowed 20' height for an Accessory Building in a RR District.

The petition was read and there were 41 abutters notified. The petitioners were represented by David Davignon, P.E. of N. Douglas Schneider & Associates of Mattapoissett. The petitioners purchased the house in August, 2013. It is small and has only a crawl space and a small shed so there is no room for storage. They would like to construct a 29'x24' two story garage for vehicle parking and storage above. The garage will not have any plumbing, the access will be to the side, there will be a trench for water runoff and the driveway will be crushed stone. Plans were presented and are part of this record.

Motion to grant the Variance was made by Mr. Cox, Jr.; seconded by Mr. DeSousa.
Members voting to grant the Variance: Mr. Manchester, Mr. Cox, Jr., Mr. Kendall and Mr. DeSousa
Members voting not to grant the Variance: Ms. Cook

The petition is GRANTED with a vote of four (4) in favor and one (1) opposed.

4. Petitioner: Francis Demers, 40 Grandview Avenue, Plat 29C, Lots 446-450, Book 4579 and Page 246;
198-18: 10% over the maximum allowed building coverage of 15% in a RR District
198-22: 996 sq ft over the maximum allowed of 700 sq ft for an Accessory Building

The petition was read and there were 41 abutters notified. The petitioner would like to remove the 22'x20' garage which is structurally unsound and replace with a 48'x26' garage. A photo of the garage was shown and is part of this record.

Motion to grant the Variance was made by Mr. Kendall; seconded by Mr. Cox, Jr.
Members voting to grant the Variance: Mr. Manchester, Mr. Cox, Jr., Mr. Fleurent, Jr. and Mr. Kendall
Members voting not to grant the Variance: Ms. Cook

The petition is GRANTED with a vote of four (4) in favor and one (1) opposed.

5. Petitioner: Christopher A. Medeiros, 4 Meadow Lane, Plat 30, Lot 25B, Book 50 and Page 5;
198-22: 260 sq ft over the maximum allowed 700 sq ft for an Accessory Building.

The petition was read and there were 7 abutters notified. The petitioner would like to demolish the existing garage and storage shed and construct a two story garage for his personal and work vehicles. There will be no plumbing and no water service.

Motion to grant the Variance was made by Mr. Cox, Jr.; seconded by Mr. DeSousa
Members voting to grant the Variance: Ms. Cook, Mr. Manchester, Mr. Cox, Jr., Mr. Kendall and Mr. DeSousa
Members voting not to grant the Variance : None

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

III. OTHER BUSINESS:

ADJOURNMENT

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

Respectfully Submitted,
Patricia Fowle, Secretary