

TOWN OF FREETOWN  
OFFICE OF THE  
ZONING BOARD OF APPEALS  
TOWN HALL, 3 NORTH MAIN STREET  
ASSONET, MASSACHUSETTS

MINUTES OF MEETING ON WEDNESDAY MAY 28, 2013

A meeting was held by the **Freetown Zoning Board** on Tuesday, **May 28, 2013** at the Council on Aging 227 Chase Rd. Freetown MA. Members present were Gary Guinen Chairman, James Frates Member, and Robert Jose Alternate.

A motion was made and seconded that the meeting be called to order at 6:35 PM.

James Fillion is requesting a variance to construct a garage (Mr. Fillion corrected it to be called a carport) the variance is to allow less than 10' setback from the side property line. The property located at 4 Berkley Ave. Assonet MA 02702 Map 101 Lot 134, in accordance with Massachusetts General Laws 40A Section 10 Zoning Bylaws and the town of Freetown protective bylaws. This property is zoned residential. The construction would be 18' x 25' and only 2' from side property line.

Mr. Fillion wants to replace the existing 18' x 25' tent that has been there for 12 years and replace it with this carport. He has no room in the rear of the house because of septic and a barn. And the left side does not have the footage needed. Mr. Fillion claims he needs the carport for storage. He said it would be Temporary until his son buys a house and then he will take it down and give it to him.

The question was asked if Mr. Fillion had brought any plans with him and he did not. The carport would be an aluminum structure 3 sided and a roof with no cement floor. Mr. Fillion was asked if he could use the barn for this storage and he said no that the barn was full. Mr. Fillion was asked if he had any site work done on the property he said no but he knew where his boundaries were. He has never had the property surveyed. Robert Jose told him that in situations like this one a problem could be that where you think your property line is, and where it actually is, are not always the same. Mr. Fillion said when he bought the house there were markers on the property and they are still there. The neighbor who abuts the property said he has no problem with the carport but did not put anything in writing. Gary asked if there was anyway Mr. Fillion could add onto the barn and he cannot due to the septic system. Gary asked if there were any questions and Mike Lebeouf 1 Hollywood Ave. wanted to know if everyone who abuts the property should be notified and claims he was not notified. It was determined that the address the town has is a Somerset address because of a Trust. It was explained that once a variance is granted it is permanent and can be passed to the next owner.

John Banks 5 Hollywood Ave. lived there for 30 years and has helped Mr. Fillion half a dozen times, 6 years ago Mr. Banks wanted to put up a garage and Mr. Fillion felt that he didn't feel there should be a garage there. He was told if one person said no it would be no, so Mr. Banks did not go for the variance. Gary told Mr. Banks he still has the right to apply for a variance to build his garage.

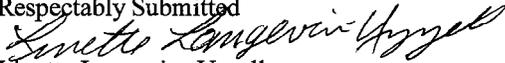
Joe Machado 5 Berkley Ave. he has concerns because Mr. Fillion's son uses what's there now to work on cars from time to time. If that happens where the cars for repair would be parked there is no room. Mr. Fillion said his son does not live there anymore and he does not repair cars there anymore.

Nancy Machado 5 Berkley Ave. has a fear that Mr. Fillion's son might start working on cars and painting them and she does not want paint fumes and diesel fumes in the neighborhood. Robert asked if she really thought that would happen if he built the carport. She said yes.

Motion to close the hearing, motion was seconded. Gary wants to entertain a motion to put up car port 2' from the property line.

Robert's concern is that without having any plans in for this carport and not having a site plan, not that he needs one, but there is no way to tell where the setback really is. Gary Told Mr. Fillion he could come to us with a diagram of the carport and proof that he is 2' from the property line. Mr. Fillion said he would get his neighbor to measure the property with him and was told we need something from an engineer so we are sure where the borders are. James feels that the property is maxed out and is not comfortable approving the variance. Motion was made to deny the variance motion was seconded. The Zoning Board of Appeals unanimously denied the variance.

Respectably Submitted



Linette Langevin- Uzzell