

**Freetown Zoning Board of Appeals**

Wednesday, February 20, 2019  
Town Hall – Assonet, Mass.

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FREETOWN TOWN CLERK

2019 MAR 28 PM 3:21  
*J. Brown*

**Present:** James Frates, Bradford Paiva, and Nicolas Velozo.  
**Absent:** Christopher Chapin (associate) and James Sarcia (associate).  
**Call to order:** James Frates called the meeting to order at 6:30 p.m.

**Case #581 – Brandon Cardoza – 4 Cleveland Avenue, East Freetown**

Mr. Frates called the hearing back to order at 6:32 p.m. Present were Brandon Cardoza, Gabriella Cardoza, and abutter John Chace.

Mr. Cardoza brought forward the new plan of the property showing the full property, along with photos depicting the extent of the tires. Mr. Paiva asked if Mr. Cardoza was square with the Conservation Commission as far as the tires, and he stated he was. The clerk also confirmed that the Conservation Commission had signed off on the tire removal as conducted by John Parks. Mr. Chace stated he helped Mr. Parks remove the tires in the summer of 2017. Mr. Paiva asked if any more debris would be removed, and Mr. Cardoza replied he had removed approximately 200 additional tires, front ends of cars, and other debris, and did not plan to look for or remove anything else at this time.

Mr. Velozo asked why the house could not be built as an extension of the existing detached two-car garage. Mr. Cardoza replied that the neighbors' wells and septic systems limited the placement of the Cardozas' well and septic system and therefore the house.

Discussion resumed on the garage. All members again stated they were uncomfortable granting the variance for the garage. Mr. Cardoza asked if he could withdraw the garage portion of the application, and this was agreed to. Mr. Cardoza and the board members signed a letter acknowledging that the garage was removed from consideration.

A motion was made by Mr. Velozo, seconded by Mr. Paiva, to close the public hearing. The motion carried unanimously.

A motion was made by Mr. Velozo, seconded by Mr. Paiva, to accept the withdrawal of the detached garage portion of the application as agreed to in writing by the board members and Mr. Cardoza. The motion carried unanimously.

**DISPOSITION:** A motion was made by Mr. Velozo, seconded by Mr. Paiva, to grant the variance as it pertained to the proposed dwelling with the following conditions:

- The house is approved for the requested setback of 24.60 feet from Cleveland Avenue.
- No deck is to be constructed on the east side of the house. Any future request for a deck will require an additional variance.

Hardships acknowledged, as relating to the proposed location of the house, included the shape of the lot, vast amount of wetlands, locations of wells and septic systems for both the subject property and neighboring properties, and potential debris on the remaining portions of the property.

The motion carried unanimously.

### **Discussion on Accessory Apartments**

This item was not taken up.

### **Potential Town Meeting Article**

Consensus was sought to seek legislative approval to reduce the required newspaper advertisements from two to one. Complaints from applicants that the newspaper ads are expensive and reach few people were cited as the primary reason to halve the number of ads. A clear consensus was not obtained, so the item was left on the table.

### **Other Business Properly Before the Board**

In response to a petition for a hearing submitted by Excel Recycling, LLC, board members requested the meeting be held at the Senior Center if its capacity is equal to or greater than 80, or at Apponequet if the Senior Center accommodates fewer than 80 people.

A motion was made by Mr. Paiva, seconded by Mr. Velozo, to adjourn at 7:17 p.m. The motion carried unanimously.

This is a True Record by me.

Attest: \_\_\_\_\_  
Michael T. McCue, Senior Clerk