Freetown Zoning Board of Appeals
Minutes of the Wednesday, June 25, 2014 Meeting
Town Hall, 3 North Main Street, Assonet, Mass.

Present: James Frates, Robert Jose, Daniel Loranger, and Gary Guinen (arrived at 6:48 p.m.).

Call to order: Daniel Loranger called the meeting to order at 6:33 p.m.

Approval of Minutes
No minutes were submitted for approval.

Case #540 – Larry Rose – 3 Costa Drive, East Freetown
The applicant petitioned through the Town Clerk's office on May 19, 2014, for a special permit to allow an accessory apartment measuring 2,000 square feet in area at 3 Costa Drive, East Freetown (Assessors' Map 242, Lot 53.01). Notice of the hearing was posted in the Town Hall and advertised in the *Standard-Times*.

A motion was made by Mr. Jose, seconded by Mr. Frates, to open the public hearing at 6:33 p.m. The motion carried unanimously.

Mr. Rose proposed to construct an accessory apartment within his single family dwelling at 3 Costa Drive, East Freetown. He stated that his mother has lived with him for seventeen years and that he would like for her to continue living with him at his new residence. Mr. Loranger asked what documentation Mr. Rose had to present, and Mr. Rose stated that the plans for the residence were on file with the Building Department; he was unaware that he should bring additional plans for the hearing. Mr. Loranger explained the normal process is to bring plans, documentation, etc., to the hearing to be reviewed and discussed. Mr. Rose offered to sketch the proposal, but members preferred professional plans be presented. Mr. Rose offered to leave and return with the plans later in the evening, but members said this would not be feasible, and requested that he return at a later date to continue the hearing.

A motion was made by Mr. Jose, seconded by Mr. Frates, to continue the public hearing to Wednesday, July 2, 2014, at 6:30 p.m. The motion carried unanimously.

Case #537 – David V. Welch – 23 Marie's Way, East Freetown
The applicant petitioned through the Town Clerk's office on April 10, 2014, for a special permit to allow an accessory apartment measuring 660 square feet in area at 23 Marie's Way, East Freetown (Assessors' Map 228, Lot 9.12). Notice of the hearing was posted in the Town Hall and advertised in the *Standard-Times*.

The hearing was opened on May 30, 2014, and continued to June 25, 2014. A motion was made by Mr. Loranger, seconded by Mr. Frates, to open the continued public hearing at 6:49 p.m. The motion carried unanimously.

Mr. Welch stated he was accompanied by the couple who would be purchasing the house upon its completion, as it is his normal business practice to complete the construction of a home before selling it. The accessory apartment would accommodate the wife's mother. Mr. Loranger reviewed the wording of the by-law, which states that the applicant must be the owner and occupant of the dwelling in order to request a special permit for an accessory apartment. While Mr. Welch is the owner, he is not the occupant; likewise, the intended occupants are not owners. Therefore, Mr. Loranger did not feel that Mr. Welch could apply for a special permit. Mr. Welch asked if there was any leeway. Mr. Jose reviewed the by-law and stated that the relative to be accommodated by the special permit must be the relative of the owner-occupant. In this case, the accessory apartment is not for Mr. Welch's relative, nor is Mr. Welch the occupant, therefore the application is

flawed. The members felt that Mr. Welch would do best to consult the Building Inspector on how to complete the home and then allow the purchasing couple to reapply for a special permit at a later time after they are the owners of record.

A motion was made by Mr. Loranger, seconded by Mr. Frates, to close the public hearing. The motion carried 3-0-1, with Mr. Jose abstaining and all others voting in the affirmative.

DISPOSITION: Mr. Welch withdrew the application without prejudice.

Meeting Adjourned
The meeting adjourned at 7:05 p.m.

This is a True Record by me.

Attest: _Michael T. McCue_
Michael T. McCue, Senior Clerk Pro Tem