

**Freetown Zoning Board of Appeals**  
Minutes of the Wednesday, February 11, 2015 Meeting  
Town Hall, 3 North Main Street, Assonet, Mass.



**Present:** James Frates, Robert Jose, Walter Sawicki, and Nicolas Velozo (alternate).

**Call to order:** James Frates called the meeting to order at 6:30 p.m.

**Minutes of Previous Meeting**

Minutes of December 17, 2014, and January 7, 2015, were received.

**Case #547 – Neil Cesario & Jeannine Sohn – 92 Howland Road, Assonet**

A motion was made by Mr. Jose, seconded by Mr. Sawicki, to open the public hearing at 6:36 p.m. The motion carried unanimously. A motion was made by Mr. Jose, seconded by Mr. Sawicki, to waive the reading of the public hearing notice. The motion carried unanimously.

The applicants approached the board to describe their proposed project. Mr. Frates asked who the accessory apartment was intended to accommodate, and Mr. Cesario responded that it would be for his parents. He described the apartment as being 24' x 24', 576 square feet in area, to be over a garage that has yet to be built. Mr. Jose asked about means of egress, and Mr. Cesario responded that the plan called for one point of entrance/exit. Recommendation was made that the applicants consult the Building Inspector about whether a second point was required.

Mr. Sawicki asked why the plan showed a 24' x 24' apartment when the application called for a 24' x 28' apartment. Mr. Cesario responded that the original proposal was cost-prohibitive and was scaled back. He also stated that the location of the apartment was shifted to the opposite side of the house as a result of a sight easement held by his neighbor to the rear, which easement was not known by Mr. Cesario when the original plans were being made.

Discussion was held on the requirements of an accessory apartment and the limitations on occupancy. Mr. Jose clarified that it was considered an apartment because of the cooking appliances.

A motion was made by Mr. Jose, seconded by Mr. Sawicki, to close the public hearing at 6:44 p.m. The motion carried unanimously.

**DISPOSITION:** A motion was made by Mr. Jose, seconded by Mr. Sawicki, to approve the special permit for the apartment as per the plans presented. The motion carried unanimously.

**Case #548 – Octavio Oliveira – 10 Betty Spring Road, East Freetown**

A motion was made by Mr. Jose, seconded by Mr. Sawicki, to open the public hearing at 7:00 p.m. The motion carried unanimously.

Mr. & Mrs. Oliveira approached the board to request a variance to construct an addition on the east side of the dwelling, with a setback of 17 feet, 6 inches. He stated that the topography of the westerly part of the property, and the presence of the septic system and a swimming pool is on the south side of the dwelling, prevented an addition on the south or west sides. Mr. Oliveira described the addition as being a den.

Mr. Jose asked if the property had been surveyed. Mr. Oliveira stated that it had at the time the septic system was upgraded. Mr. Jose asked if the addition would be attached to the existing structure. Mr. Oliveira

stated that it would. Mr. Frates asked who would be building the addition, if it was the applicant or if he had a builder. Mr. Oliveira stated he would be building it himself.

A motion was made by Mr. Jose, seconded by Mr. Sawicki, to close the public hearing at 7:10 p.m. The motion carried unanimously.

**DISPOSITION:** A motion was made by Mr. Jose, seconded by Mr. Sawicki, to approve a two-foot, six-inch variance from the side setback requirements at 10 Betty Spring Road, East Freetown, due to topographical constraints of the property and the locations of the existing septic system and swimming pool. The motion carried unanimously.

**Case #543 – Threetown, LLC – 6 Braley Hill Road, East Freetown**

A motion was made by Mr. Velozo, seconded by Mr. Sawicki, to open the continued public hearing at 7:15 p.m. The motion carried unanimously.

The clerk stated the applicant's representative had telephoned on February 10th to request another continuance. This was followed up by a letter received by FAX on February 11th.

A motion was made by Mr. Velozo, seconded by Mr. Sawicki, to continue the public hearing at the request of the applicant to May 6th at the Town Hall. The motion carried unanimously.

**Meeting Adjourned**

A motion was made by Mr. Sawicki, seconded by Mr. Velozo, to adjourn at 7:20 p.m. The motion carried unanimously.

This is a True Record by me.

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