

Freetown Zoning Board of Appeals

Wednesday, May 25, 2016
Town Hall – Assonet Mass.

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Present: James Frates, Walter Sawicki, and Nicolas Velozo.

Absent: None.

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

Minutes of Previous Meeting

The minutes of April 20th were not available.

Letter of Interest

At the beginning of the meeting it was noted that following the resignation of Robert Jose the board now consists of Jim Frates, Walter Sawicki, and Nick Velozo, with no associate members. A letter of interest was received from Brad Paiva expressing interest in any openings on the board. On consensus, Mr. Paiva will be recommended for an associate membership.

Case #563 – Allen & Melanie Russell – 50 Huron Avenue, East Freetown

A motion was made by Mr. Sawicki, seconded by Mr. Velozo, to open the continued public hearing at 6:30 p.m. The motion carried unanimously.

Mrs. Russell presented a "Declaration of Restrictive Covenants" that was drawn up by her attorney in response to some of the neighbors' concerns. Essentially, this document would forever prevent any commercial use of the garage once it has been built. Mr. Velozo stated he spoke with the Building Inspector, Scott Barbato, and that Mr. Barbato is concerned with the potential commercial use of the garage. Mr. Sawicki stated he was pleased to see the Declaration and found it reassuring.

Mrs. Russell noted that the plans originally called for a 24-foot height at the peak of the roof, but the amended plans now call for a 19-foot height. Mr. Frates stated the lower roof height was a better alternative than the previous plans.

General questions were fielded from abutters, some pertaining to what is allowed in General zones and what is allowed in Residential zones.

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

DISPOSITION: A motion was made by Mr. Velozo, seconded by Mr. Sawicki, to grant the appeal based on the plans dated October 29, 2015, with roof trusses to have a 5/12 peak and the roof peak to be at a height no greater than nineteen feet, six inches. The motion carried unanimously.

Case #564 – Wayne Miller – 36 Flagg Swamp Road, East Freetown

A motion was made by Mr. Velozo, seconded by Mr. Sawicki, to open the continued public hearing at 6:47 p.m. The motion carried unanimously.

Mr. Miller and his father were present to discuss the revised proposal. Per the new plans, some living space has been redesigned to be part of the main house and not the apartment. The new square footage, per the architect's estimate, is 987 square feet.

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

DISPOSITION: A motion was made by Mr. Velozo, seconded by Mr. Sawicki, to grant the special permit. The motion carried unanimously.

Case #565 – Andrew Grant – 6 Dorsey Road, Assonet

A motion was made by Mr. Velozo, seconded by Mr. Sawicki, to open the public hearing at 6:52 p.m. and to waive the reading of the public hearing notice. The motion carried unanimously.

Mr. Grant and his wife were present to discuss the proposal, which is to construct an attached garage with a side setback of eleven feet where the required setback is twenty feet. Mrs. Grant explained that the topography of the lot, amount of rocks, underground utilities, wetlands, and location of the well limit the possible locations for the garage. Also, they would like not to remove trees that provide privacy for their home and their neighbors.

Bob Dorsey, an abutter at 46 Richmond Road, stated that he and his family (who also abut at 4 Dorsey Road) fully support the proposal and have no objections.

Messrs. Frates and Velozo both commented on the size of the proposed garage, noting that it is quite large. Mr. Frates asked if the garage could be scaled down in size. Mrs. Grant stated they wanted to balance the size and appearance of their house with the neighboring house. Mr. Grant noted that the setback as proposed is 15.9 feet in the rear of the garage, but the angle of the house reduced the setback to eleven feet in the front. Mr. Velozo stated that the board understands what they want, but for a variance there has to be a hardship – a need, not a want – and there typically is not a need for a garage of this size. Mr. Frates noted that a variance of one or two feet would be one thing, but this amounts to nine feet.

Mrs. Grant asked why the setback for the Russell garage on Huron Avenue was only six feet. Mr. Velozo noted that it is a nonconforming lot with grandfathered rights. The clerk stated the Russell garage was a detached garage, and the setback is different for a detached garage. Mrs. Grant asked why that was, and the clerk responded that an attached garage is considered part of the house and the setback for the house must be twenty feet, while a detached garage is considered an accessory structure and requires less.

Mr. Frates suggested to the Grants that they consider withdrawing their application as the board seemed inclined to deny the variance, or that they return at a later date with revised plans.

A motion was made by Mr. Velozo, seconded by Mr. Sawicki, to continue the hearing to Wednesday, June 8th at 6:30 p.m. The motion carried unanimously.

Meeting Adjourned

A motion was made by Mr. Sawicki, seconded by Mr. Velozo, to adjourn at 7:13 p.m. The motion carried unanimously.

This is a True Record by me.

Attest: 
Michael T. McCue, Senior Clerk