

Freetown Zoning Board of Appeals

Tuesday, October 4, 2016
Town Hall – Assonet, Mass.

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Present: James Frates, Bradford Paiva, and James Sarcia (associate).

Absent: Nicolas Veloza.

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

Case #534 (Remanded) – Robert & Patricia Buckley – 251A Middleboro Road, East Freetown

Mr. Frates began the meeting by reminding those gathered (Mrs. Buckley, Mr. & Mrs. Holmes) that the public input portion of the hearing was closed, and that this meeting was only for the board members to deliberate and potentially reach a decision.

Mr. Paiva stated that he had stopped by the property since the last meeting. He observed that the house is in a deteriorated state, that windows appears to be falling out, and that the house did not appear to have been lived in for some time. He also observed that the retaining wall was not holding up. He estimated the house had been vacant since the floods in 2010.

Mr. Frates stated he had stopped by the property earlier in the day and observed its condition and the stakes that had been placed to show the location of the proposed house. The new house appeared to have a smaller footprint than what he had envisioned. Mr. Paiva stated he had paced off the stakes and believed the houses would not be exactly side-by-side.

Mr. Sarcia stated, as a waterfront homeowner on Long Pond, that he has dug holes and has firsthand experience working on a lot with similar features to the Buckley property. He observed the house appeared to have settled and would likely continue to settle based on the soils and the condition of the foundation.

Mr. Frates believed the view for the home at 253 Middleboro Road would be improved, not worsened, by the relocating of the home at 251 Middleboro Road.

Mr. Paiva felt that what has been proposed would not be out of character for the neighborhood. Mr. Frates and Mr. Sarcia were in agreement.

Mr. Sarcia stated he would likely give the most weight in his decision to the soils argument. He stated the engineering report submitted gave the water table as 80", but that he did not believe that was possible. He estimated the water table at closer to 24".

Mr. Paiva stated if it were his property, he would not invest any money in the existing house.

Mr. Frates stated he felt the board, if it approved the variance request, would not be expanding a non-conforming issue. He argued that if there were not already a home on the lot, it probably would not be buildable, but that the Buckleys were proposing something that would be more conforming than what's there presently. Mr. Sarcia agreed.

DISPOSITION: A motion was made by Mr. Sarcia, seconded by Mr. Paiva, to grant the requested variance noting specifically the soil conditions, shape of the lot, the fact that the existing non-conformity would be decreased rather than increased, and that the requested variance would not be a detriment to the neighborhood. The motion carried unanimously.

Mrs. Buckley thanked the board for their time and consideration.

Proposed Changes to Application Form

This item was passed over.

Other Business Properly Before the Board

No other business was raised.

Minutes of Previous Meeting

The minutes of September 28th were accepted by unanimous consensus.

Meeting Adjourned

A motion was made by Mr. Paiva, seconded by Mr. Sarcia, to adjourn the meeting at 6:55 p.m. The motion carried unanimously.

This is a True Record by me.

Attest: _____
Michael T. McCue, Senior Clerk