

Freetown Zoning Board of Appeals

Wednesday, June 28, 2017
Town Hall – Assonet, Mass.

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Ja Boman

Present: James Frates, Nicolas Velozo, and James Sarcia (associate).

Absent: Bradford Paiva and Christopher Chapin (associate).

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

Case #572 – Karl P. Bock – 11 Hilltop Park, East Freetown (Map 227, Lot 92)

Mr. Frates called the hearing to order at 6:30 p.m. A motion was made by Mr. Velozo, seconded by Mr. Sarcia, to waive the reading of the public hearing notice. The motion carried unanimously.

Mr. Bock explained that he is looking to construct a garage for his motorcycle and sound equipment associated with his DJ business. He stated that he needs storage space beyond what he has in his present home. His dwelling is situated on a parcel with no room for a garage and his basement is actually a crawlspace. He would like to construct the garage on his second lot, which is separated from his primary lot by a paper road.

According to the denial letter issued by the Building Inspector, the Building Inspector has determined that although Map 227, Lot 92 is considered the same property as Map 227, Lot 94 for assessment purposes, their separation by North Avenue (a/k/a Hilltop Park Road) on the Hilltop Park plan causes the proposed garage to not be on the same lot as the house to which it would be considered incidental, subordinate, and accessory.

Mr. Frates asked where Mr. Bock's business is located. Mr. Bock stated his business is operated out of his home, 11 Hilltop Park, but that it is a mobile business – he brings his work as a DJ to the locations where his services are needed. Customers, etc., do not come to his home. Mr. Velozo clarified that this garage would be used for storage, and Mr. Bock responded that that was correct.

Mr. Velozo asked if the closest the garage would be to Hilltop Park Road would be 31.2 feet, and Mr. Bock stated that was correct.

Mr. Sarcia asked where the closest house would be located, and Mr. Bock responded the closest house is on the neighboring lot (15 Hilltop Park).

Mr. Frates asked if the garage lot (Lot 92, Hilltop Park lot 19) had always been owned together with the dwelling lot (Lot 94, Hilltop Park lot 8). Mr. Bock stated he had always owned the two together.

Mr. Frates asked if any abutters wished to speak. Ruth Ferland, 15 Hilltop Park, stated she resides at the house next door to where the garage would be constructed. She believed the garage would prove to be an eyesore in the neighborhood, and stated that Mr. Bock is seeking to construct a large, metal garage after previously complaining about a trailer being kept on her property. She believed the location of the garage would give the impression that it was on her property and not Mr. Bock's.

Dave Bock, Berkley resident and brother of Karl Bock, stated that there are no windows on the side of the Ferland home that would face the garage. He did not believe it would disrupt her view. Mrs. Ferland stated that it is a nice, quiet, beautiful neighborhood and an aluminum or metal garage would disrupt that.

Mr. Velozo asked what material the garage would be built of. Karl Bock replied it would be stick built, although he had originally considered metal.

Mr. Sarcia asked if there was any storage at the existing welling, and Karl Bock replied there was not.

Mr. Velozo addressed the fact that Lot 92, the lot for the proposed garage, is assessed as being one single lot along with Lot 94 despite separation by Hilltop Park Road a/k/a North Avenue. Mr. Frates asked if a house could be built on Lot 92, and Dave Bock responded that they had always been told no. Sherry Bock, relative of Dave and Karl Bock, stated that the assessors' office considered the two lots to be one lot and expressed confusion why they were now being considered two lots for the purposes of this hearing.

Antonio Medeiros, 13 Hilltop Park, asks if there shouldn't be a plan of what the garage will look like as part of the hearing. Mr. Frates replied no, that Mr. Bock could have provided an illustration but it was not required, as the board is acting on the ability to build the garage, not its appearance. Mr. Medeiros stated he had attended expecting to see what exactly the garage would look like.

Mr. Velozo stated that Mr. Bock owns the property and that he did not see why he could not build a garage there as it meets all required setbacks. He further stated that if the variance was granted, he would look to condition that the outside of the garage not be metal. Mr. Sarcia agreed, and specified a wood exterior of the garage.

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

DISPOSITION: A motion was made by Mr. Velozo, seconded by Mr. Sarcia, to grant the requested relief, allowing the petitioner to construct the garage as shown on the plan prepared by Romanelli Associates, with the condition that the exterior be not aluminum or space metal but wood. The motion carried unanimously.

Case #573 – Robert R. Potvin – 21 Rounsevell Drive, East Freetown (Map 226, Lot 67)

Mr. Frates called the public hearing to order immediately following the previous hearing. A motion was made by Mr. Velozo, seconded by Mr. Sarcia, to waive the reading of the public hearing notice. The motion carried unanimously.

Mr. Potvin addressed the board, stating that he and his wife would like to extend their existing porch and add a two-stall garage. The curve of Rounsevell Drive places the proposed garage within the front yard setback. The garage is proposed for the right side of the house because all utilities, lines, etc., are on the left side of the house, along with the paper road that would pose additional setback hardships. Mr. Potvin also noted that the variance is to the road layout, but that the garage would be set back sufficiently if measured instead to the edge of the pavement. Mrs. Potvin, at this time, presented an illustration of what the front of the house looks like now and would look like if added onto as desired.

Mr. Frates asked if any abutters were present and wanted to speak. No abutters came forward.

Mr. Velozo asked why the garage was not moved back to accommodate the required setback. Mrs. Potvin stated that they wanted to match the line of the existing house. Mr. Potvin added that the land slopes sharply down to the back and would not be suitable. Board members at this time reviewed the architectural plans.

Mr. Sarcia felt that the garage, as proposed, was more aesthetically pleasing if matched to the house.

Mr. Potvin added at this time that moving the garage back would also place it too close to the existing swimming pool and disrupt an existing deck, requiring to deck to be altered or removed and rebuilt.

Mr. Velozo noted the size of the garage, 25' 8" wide by 31' 11" deep. Mr. Frates stated that the Board typically denies what it perceives to be unnecessarily large garages.

Mr. Frates asked if moving the garage back would cure the setback issue. Messrs. Sarcia and Velozo stated it would not.

Mr. Velozo asked if there was a reasonable way to enter the house from the garage if the garage were moved to the left side of the house. Mr. Potvin stated there was not.

Mr. Frates stated that the lot is already nonconforming, so any alterations would put the homeowners "up against it".

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

DISPOSITION: A motion was made by Mr. Velozo, seconded by Mr. Sarcia, to grant the requested relief, allowing the petitioner to construct the porch and garage as shown on the plan submitted. The motion carried unanimously.

Case #573 – Michael, Jr. & Marlyse E. Parisse – 118 Bullock Road, E. Freetown (Map 248 Lot 126)

Mr. Frates called the public hearing to order immediately following the previous hearing. A motion was made by Mr. Velozo, seconded by Mr. Sarcia, to waive the reading of the public hearing notice. The motion carried unanimously.

Mr. & Mrs. Parisse presented their plans. It was noted that their original application factored in a living room and mudroom in the square footage of the proposed accessory apartment, but those measurements were removed when it was determined that those spaces were not to be considered part of the apartment. As amended, the apartment is compliant with the maximum square footage.

Mr. Parisse stated the addition would be one story. He stated that their family is large, having eight children with one now out of the house, and the family has been cramped in the existing house. Mrs. Parisse now desires to have her mother move in with them so that she can remain independent but close by. Mr. Parisse stated the mudroom would have doors on both sides, acting more like a breezeway to connect the apartment to the main dwelling.

Ray Therrien, 120 Bullock Road, asked where the addition would be situated relative to his property. Mrs. Parisse stated it would be on the opposite side, the Pierce Way side. The Parisses and Therriens then reviewed the plans together.

Mr. Frates reviewed the process for special permits for accessory apartments, that they are good for ten years, that the Building Inspector will check after five years to ensure the use is still compliant, and that after ten years the permit would expire.

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

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

This is a True Record by me.

Attest: _____
Michael T. McCue, Senior Clerk