

Freetown Zoning Board of Appeals
Minutes of the Wednesday, September 17, 2014 Meeting
Town Hall, 3 North Main Street, Assonet, Mass.

Present: James Frates, Robert Jose, and Walter Sawicki.

Call to order: James Frates called the meeting to order at 6:37 p.m.

Minutes of Previous Meeting

The minutes of July 2nd and August 28th were received.

Case #541 – Shawn St. Aubin – 3 Mark's Lane, East Freetown

The applicant petitioned through the Town Clerk's office on August 12, 2014, for a special permit to allow an accessory apartment measuring 1,000 square feet in area at 3 Mark's Lane, East Freetown (Assessors' Map 228, Lot 9.38). Notice of the hearing was posted in the Town Hall and advertised in the *Herald News*.

A motion was made by Mr. Jose, seconded by Mr. Sawicki, to open the public hearing at 6:37 p.m. The motion carried unanimously.

Ricardo Santos, architect for the applicant, presented preliminary plans for a two-phase addition to the current dwelling. The first phase was to be an addition above the existing two-car garage; the second phase was to be an addition of a second two-car garage, with a breezeway connecting the first phase addition to an accessory apartment on the second floor of the new garage. The apartment shown was approximately 600 square feet. The applicant was still making adjustments to try and maximize living space.

Mr. Jose explained the general requirements of the accessory apartment by-law, noting the five-year time limit and the requirement that the apartment be for family. Mr. St. Aubin stated that the apartment would be for his parents as his father has a medical condition. He stated he had a letter from his father's physician if necessary.

Discussion ensued on the fact that the plans were only preliminary. Mr. Frates asked if the final plan would be at or under 1,000 square feet. Mr. St. Aubin and Mr. Santos both stated that the final plan would be under 1,000 square feet to comply with the by-law. Mr. St. Aubin stated they had not finalized the plans any further than what was presented to save money should the special permit be denied. Mr. Frates stated that he felt the applicant's current situation, with an ill relative, was the exact intent of the by-law, and that he should not let worry prevent him from finalizing plans.

Mr. Jose stated that he was not comfortable acting on the plans until they were in their final form. Specifically, he wanted to ensure that the apartment would be subordinate to the main dwelling. Without knowing the final form of the apartment, he could not be certain that it would be subordinate as the by-laws required. Mr. Santos stated the plans were in essentially a final form, with only minor changes planned, but that he could complete a final plan and return another night.

Mr. Sawicki asked how the apartment would be accessed. Mr. St. Aubin responded access would be by an entryway from the addition over the existing garage. Discussion ensued around the proposed access points. Mr. Jose suggested running the plan by the Building Inspector for an opinion; while the placement of doors is a code issue and not a matter for the Zoning Board of Appeals, he felt that applicant would benefit from checking on the proposed placements to ensure that if any changes resulted, they would not require another hearing.

After further discussion, all parties agreed to continue the hearing to a future evening to allow for the presentation of a final plan.

A motion was made by Mr. Jose, seconded by Mr. Sawicki, to continue the public hearing to October, to be determined. The motion carried unanimously.

Designation as Special Municipal Employees

Mr. Velozo briefed the board members on the value of designation as Special Municipal Employees, per his discussion with Town Counsel after the previous meeting. Mr. Jose stated the Planning Board had taken action on this the previous night. On consensus, all members signed the requesting letter.

Meeting Adjourned

The meeting adjourned at 7:05 p.m.

This is a True Record by me.

Attest: _____
Michael T. McCue, Senior Clerk