

Freetown Zoning Board of AppealsWednesday, February 6, 2019
Town Hall – Assonet, Mass.

2019 FEB 21 AM 9:50

*J. J. Brown***Present:** James Frates, Bradford Paiva, Nicolas Velozo, and James Sarcia (associate).**Absent:** Christopher Chapin (associate).**Call to order:** James Frates called the meeting to order at 6:30 p.m.**Case #581 – Brandon Cardoza – 4 Cleveland Avenue, East Freetown**

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

Brandon and Gabriella Cardoza were present for the discussion, as was Building Inspector Jeff Chandler. Mr. Cardoza described his history with the property since acquiring it from John Parks. He explained that Mr. Parks had been approved for a taller house, whereas he and his wife wanted as few stairs as possible since they intend to live in the house indefinitely. By spreading out the footprint of the house, it was necessary to obtain a variance for front yard setback. They are also seeking a variance to extend the existing garage closer to the street.

Mr. Frates asked what hardships the Cardozas have that prevent them from meeting the required setback. Mr. Cardoza stated the location of the septic system and the wetlands on the property were the greatest hardships. His system was finally located where it is due to the proximity to neighboring wells; likewise, his own well is located where it is due to the neighbors' septic systems. He also noted the property has a steep drop-off as it approaches the wetlands.

Mr. Paiva asked how many stories the house would be. Mr. Cardoza stated there would be a small second floor with bedroom and bathroom space, but that it was primarily a one-floor house.

Mr. Frates asked about the outbuildings and expansion of the garage. Mr. Cardoza stated he wanted more space to store his tractor and boat. Mr. Sarcia asked about the existing garage, and Mr. Cardoza stated he would backfill and stabilize the existing foundation to be reused, and then extend toward the road. Mr. Sarcia noted the existing foundation was already too close to the wetlands. Mr. Cardoza noted the garage was proposed to be L-shaped to avoid removing an old birch tree.

Mr. Velozo questioned the size of the lot. Mr. Cardoza estimated the lot to be approximately seven acres. Mr. Velozo asked how much of the property was wetlands, and Mrs. Cardoza responded approximately five and one-half acres.

Mr. Velozo felt the house and garage were both very large as proposed. Mr. Paiva noted the house with its attached garage was approximately 88 feet wide. Mr. Paiva felt the house was large for the community. Mr. Cardoza stated the house was approximately 2500 square feet. Mr. Frates felt that while the house looked large on paper, it was long and narrow.

Mr. Paiva stated he was less comfortable about the garage than the house. Mr. Velozo felt that between the house and the garage, the applicant was asking for a great deal on one property. Mr. Paiva agreed. Mr. Frates felt that it would be difficult to meet setbacks on this lot regardless of the sizes of the structures, but agreed that he was more concerned about the garage than the house.

Mr. Cardoza stated he was flexible and open to changes with the garage, but not especially with the house. Mr. Frates felt the house could have a stronger argument for a variance, but not the garage since it would be a detached garage in addition to the two-car garage that is part of the house.

Mr. Velozo asked if the Cardozas' septic was installed. Mr. Cardoza responded it was not. Mr. Sarcia asked if the septic had already been approved as proposed. Mr. Cardoza responded it was approved. The clerk confirmed the Conservation Commission had already signed off on the plans.

Mr. Paiva stated he was agreeable to the variance for the house, but not for the garage. Mr. Cardoza stated he could make adjustments to the garage. Mr. Paiva asked about the size of the boat to be stored in the garage, and Mr. Cardoza responded it was 23'. Mr. Paiva asked about the doors, and Mr. Cardoza stated they would be 10-foot doors.

Mr. Velozo asked if there should be a deck shown on the plans since there appeared to be no outside use to the pond-facing side of the house. Mr. Cardoza responded no, they would have a three-season room rather than a deck to avoid mosquitoes.

Mr. Paiva stated again that he was agreeable to the house, but less so for the garage. Mrs. Cardoza offered to have revisions made to the plan, and Mr. Cardoza stated they would not fight the garage.

Mr. Velozo asked why the house could not be moved. Mr. Cardoza stated it could be moved possibly six-to-eight feet parallel to the road, but that moving it would not cure the setback issue. After eight feet, the house would run the risk of interfering with setbacks to one neighbor's well. Mrs. Cardoza stated the useful, buildable portion of the property was long and narrow.

Mr. Velozo requested to see the entire property on a plan and not just the portion where activity would take place. Mr. Cardoza agreed to have plans drawn, but stated he did not want the house moved to ground that wasn't solid.

A motion was made by Mr. Velozo, seconded by Mr. Paiva, to continue the hearing to February 20, 2019, at 6:30 p.m. The motion carried unanimously.

Discussion on Accessory Apartments

Members held a general discussion with the Building Inspector relative to accessory apartments. Mr. Chandler outlined his expectations for when the apartments are constructed; specifically, he prefers to see a doorway opening between the main house and apartment space that is wide enough to not accommodate a standard-sized door. His reasoning is that the apartment is meant to be for family and non-rental, so "privacy" should not require a door. Members agreed that that was a valid stance. Discussion continued as to how to void the permits at sale, but no resolution was achieved. The discussion will continue at future meetings.

A motion was made by Mr. Paiva, seconded by Mr. Velozo, to adjourn at 7:31 p.m. The motion carried unanimously.

This is a True Record by me.

Attest: _____
Michael T. McCue, Senior Clerk