



TOWN OF FREETOWN
OFFICE OF THE
ZONING BOARD OF APPEALS
TOWN HALL, 3 NORTH MAIN STREET
ASSONET, MASSACHUSETTS

June 6, 2014

Decision of the Board of Appeals on the appeal and petition of Lorraine Barboza and Rona Lee Duff for property located at 73 N. Main St. Assonet, MA

Pursuant to the public hearing opened on Friday, May 30, 2014 and continued on Wednesday, June 4, 2014 at the Freetown Town Hall, regarding the petition of **Lorraine Barboza and Rona Lee Duff** requesting a use variance to operate a "motor vehicle sales" business together with permission to use a "manufactured structure" as a business office. The property is located on 73 North Main Street Assonet, MA, Assessor's map 206, Lot 17.01; subject property's zoning is split with the majority of the lot in the Residential district and partly in the General Use district. The Town of Freetown Zoning By Laws states in Section 11.18 Table of Use Regulations, that "Motor Vehicle sales, rental, or repair shop" is not allowed in a residential district. The petitioners requested that the Board exercise its authority pursuant to Article 11, Section 11.5 B (3) and grant a variance from the By Laws for the requested use.

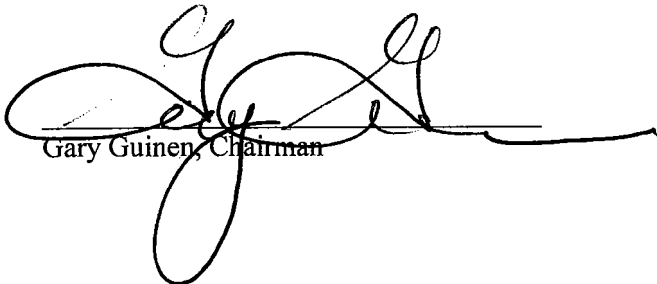
After due notice to all of the parties and publication as required by the provisions of the Massachusetts General Laws, Chapter 40A, the Zoning Board held a public hearing on Friday evening, May 30, 2014 at 7:15 p.m. at the Freetown Town Hall. The hearing was continued to Wednesday, June 4, 2014 at 6:45 p.m. at Freetown Town Hall.

A hearing was opened on May 30, 2014. Atty. David Assad, representing the petitioners, approached the board with plans showing a proposed motor vehicle sales lot and office building. The petitioners' reasons for a variance are that there are other commercial uses in the neighborhood; it is not strictly residential; also, the topographical slope of the lot prohibits building of a residence. After some discussion, the board requested specifications for the proposed building; the hearing was continued. Atty. Assad approached the Board at the June 4, 2014 continuance to present revised plans now showing that the lot accommodates 50 vehicles; all parking and structures are to be located within the first 180 ft of the lot back from the edge of North Main, due to steep slopes located at the rear of lot. Pictures of the proposed manufactured 28' x 44' business office were provided.

After some discussion between the Board, petitioners, and several abutters, Daniel Loranger made a motion to close the public hearing, seconded by James Frates; motion passed unanimously. Chairman Guinen entertained a motion to allow for the variance of use; no motion was made. Daniel Loranger stated he would vote not to grant the variance; James Frates seconded, all in favor. The board voted in opposition to the variance for the following reasons:

1. The proposed use of the property as a motor vehicle sales lot would be a more intensive use, inconsistent with the existing commercial entities in the neighborhood, and would likely cause detriment to the residents.
2. The topography of the lot does not prove to be a hardship to construction of a residential building.

Because the applicant failed to obtain a favorable decision of the Board, the variance was denied. Any person aggrieved by a decision of the Board of Appeals has the right to appeal such decision to a Court of competent jurisdiction pursuant to Massachusetts General Laws, Chapter 40A, Section 17, by filing such appeal within twenty (20) days after the date on which the decision was filed with the Town Clerk.


Gary Guinen, Chairman

