



TOWN OF FREETOWN
MASSACHUSETTS
Office of the Town Clerk

Cheryl C.A. Estrella, CMC
Town Clerk

Timothy J. McIntosh
Assistant Town Clerk

3 North Main Street
P.O. Box 438
Assonet, MA 02702
Phone: 508-644-2201, ext. 2
Fax: 508-644-9826
www.freetownma.gov

March 20, 2024

Mr. Nicolas Velozo, Chairman
Board of Appeals
Town of Freetown
3 North Main Street
Assonet, MA 02702

SUBJECT: CASE #607

Dear Chairman and Board of Appeals:

A petition for an appeal was submitted to the Town Clerk's Office on Wednesday, March 20, 2024 by Matt Bivens, for the property owned by Alice Donatelli, located at 0 Metacomet Avenue/4 Huron Avenue in Freetown (East Freetown), Map 105, Lot 27.01.

I am therefore submitting a copy of the petition dated March 1, 2024 to the Zoning Board of Appeals to schedule a hearing.

Sincerely,

Cheryl C.A. Estrella, CMC
Town Clerk

cc: Building Commissioner
Assistant Assessor
Town Administrator





TOWN OF FREETOWN ZONING BOARD OF APPEALS

Town Hall, P. O. Box 438 Assonet, Massachusetts 02702

Date: March 1, 2024

- Submit two original copies (original signatures) to the Town Clerk's office -

To the Board of Appeals:

The undersigned hereby petitions the Board of Appeals as follows:

Name of Petitioner: Matt Bivens
Mailing Address: 638 West Rodney French Blvd, New Bedford, MA 02744
Property Owner: Alice Donatelli
Mailing Address: 8 Huron Avenue, East Freetown, MA, 02717
Property Address: 0 Metacomet Avenue / 4 Huron Avenue, East Freetown, MA, 02717

Zone: Residential Overlay Zone: Select One
Reg. of Deeds Book: 2783 Page: 187 Assessors Map # 105 Lot # 27.01
Area of Lot: 14,001 s.f. Frontage: 65.39 feet

Nature of Relief Sought (choose one):

- ☐ Special permit under Article _____, Section _____ of the Protective By-laws.
☒ Variance from Article 11, Section 11.3 of the Protective By-laws.
☒ Appeal from a decision of the Building Inspector/Zoning Enforcement officer, dated March 19, 2024. (Please attach a copy.)

Provide a brief description of your proposal/request:

Having purchased an easement agreement from my neighbor and friend Alice Donatelli for lot 27.01 I would like to build a freestanding 2-car garage and wood-working shop on the parcel. There would be electricity but no plumbing (i.e. it would not be any kind of living space). It's a low-lying parcel that abuts beautiful wetlands. I would like it to be a 2-story structure with the top story as a crafts and art studio with a view of the small wetland pond there. There is an existing building there now (a shed the size of a small garage) that is falling down and would be replaced.

If your request is for a **variance**, you must indicate what your **hardship** is. A hardship may be based on the soil conditions or topography of your property, the shape of your property, or the locations of existing structures, wells, or septic systems on your property. **Simply wanting something that is not allowed under the by-laws does not constitute a hardship.** Please describe your hardship(s) below:

Although this is a large lot the majority of it is low-lying wetlands to the west and south. There is also a long, narrow septic field along the east side of the property. So, the territory upon which one could build something is small and funnel-shaped.

If your request is for a special permit for an accessory apartment, you must provide the following:

Square footage of existing home: _____

Square footage of proposed apartment: _____ (1,000 sq ft max.)

I hereby request a hearing before the Zoning Board of Appeals with reference to the above petition or appeal. All of the information on this petition, to the best of my knowledge, is complete and accurate. I understand that I will be responsible for paying the cost of newspaper advertisements for my hearing, and for the cost of notifying the abutters to my property of the hearing by certified mail, return receipt, with notices provided to me by the Board. I also understand that I will be responsible for paying the costs of any engineering, architectural, legal, or other consultants deemed necessary by the Zoning Board of appeals to assist in its consideration of this application, pursuant to G.L. c.44, §53G and that failure to timely pay such costs shall constitute grounds for denial of this application.

Petitioner Signature: _____

Property Owner Signature: _____

Petitioner Telephone Number: _____

Property E-mail Address: _____

240-899-1510

mattbivens@yahoo.com

All applications should be accompanied by a 300ft certified abutters list, **three** copies of a plan (one 11"x17" in size), and pdf copies of the entire filing emailed to planning@freetownma.gov upon submission. **Be sure you provide enough copies that BOTH the Town Clerk's office AND the Board of Appeals receive copies.**

Your site plan, done by an engineer, for a variance should include the following:

- (a) Existing and proposed street lines and names.
- (b) Existing and/or proposed buildings (including accessory buildings) and driveways.
- (c) General locations of wetlands and waterways, if any.
- (d) Locations of wells and septic systems.
- (e) Soil types and conditions and groundwater table, if applicable.
- (f) Setback distances from streets and abutters.
- (g) Footage for all lines of the property and total area (in acres or square feet).

Your plan for a special permit for an accessory apartment should include the following:

- (a) Layout of the apartment in relation to the existing house.
- (b) Dimensions of rooms, and dimensions and overall square footage of the apartment.
- (c) If the apartment will require an addition to the home, the setback distances from streets and abutters.

FREETOWN CLERK
REC'D MAR 20 2024 PM 1:59
Asst. Town Clerk
Jimmie McDaniel



Carl Bizarro
Building Commissioner

TOWN OF FREETOWN
MASSACHUSETTS
Office of the Building Commissioner

3 North Main Street
P.O. Box 438
Assonet, MA 02702
Phone : 508-644-2202 x-1302
Fax: 508-644-2183
www.freetownma.gov
Building@freetownma.gov

Matthew Bivens
638 West Rodney French Boulevard
New Bedford, Ma 02744

March 19, 2024

Re: Zoning Determination Letter for 8 Huron Avenue Lot: 105 Plot: 27.01

Dear Matthew Bivens

My office has received your application for a Zoning Determination dated 3-7-2024 relative to 8 Huron Avenue Freetown, Ma. **Map 105 – Parcel 27.01**, zoned for residential use. According to the Information provided, plans submitted, additional documentation and our records research and to the best of knowledge and understanding I have made a determination that the proposal to construct a 2- story , 2-stall garage with a personal use work shop on second floor is feasible if it is in accordance with **the Town of Freetown Zoning By-Laws (Article 11 (11.3 Setbacks) and Article 11 (11.3 Continued) Section E (lot coverage 65%)** .

Moreover, if you wish to pursue this matter you will also have to apply to the Conservation Committee for matters related to soil & wetlands and the Board of Health (if any) for septic issues.

You have the right to appeal this decision to the Zoning Board of Appeals. Applications are available at the office of the Town Clerk in Town Hall during normal business hours. The completed documents must be returned to their office within 30 days.

Nothing in our research reflects any violations past or present related to this particulate parcel of land. The zoning verification is made as of the date of this letter and does not constitute any representation of assurance that the property will remain in the same zoning classification for any specified period of time.

Respectfully,

Carl Bizarro

Building Commissioner/Zoning Officer

Cc: Town Clerk
Assessor's Office
Board of Heath



300 feet Abutters List Report

Freetown, MA
November 22, 2023

Freetown Board of Assessor CERTIFIED ABUTTERS LIST

Subject Property:

Parcel Number: 105-026
CAMA Number: 105-026
Property Address: 4 HURON AV

Mailing Address: BIVENS MATTHEW J & SVETLANA V
4 HURON AV
E FREETOWN, MA 02717

Abutters:

Parcel Number: 105-022
CAMA Number: 105-022
Property Address: 14 HURON AV

Mailing Address: DONOVAN P J & TEIXEIRA M TRS
DONOVAN TEIXEIRA FMLY LIV TRST
14 HURON AVE
E FREETOWN, MA 02717

Parcel Number: 105-023
CAMA Number: 105-023
Property Address: 12 HURON AV

Mailing Address: KELLEY ELIZABETH C TR
KELLEY VENNERBECK FAMILY TRUST
88 SKAKET BEACH RD
ORLEANS, MA 02653

Parcel Number: 105-024
CAMA Number: 105-024
Property Address: 10 HURON AV

Mailing Address: FONTAINE ANDREW P
22 DENNISON AV
FRAMINGHAM, MA 01702

Parcel Number: 105-025
CAMA Number: 105-025
Property Address: 8 HURON AV

Mailing Address: DONATELLI ALICE A L/E
8 HURON AV
E FREETOWN, MA 02717

Parcel Number: 105-027
CAMA Number: 105-027
Property Address: 0 ROUND POND

Mailing Address: DONATELLI ALICE A L/E
8 HURON AVENUE
E FREETOWN, MA 02717

Parcel Number: 105-027.01
CAMA Number: 105-027.01
Property Address: 0 METACOMET AVE

Mailing Address: DONATELLI ALICE A L/E
8 HURON AVENUE
E FREETOWN, MA 02717

Parcel Number: 105-036
CAMA Number: 105-036
Property Address: 1 MOHAWK AV

Mailing Address: JESSE JOANNE M & BRITTON MARK
1 MOHAWK AV
E FREETOWN, MA 02717

Parcel Number: 105-037
CAMA Number: 105-037
Property Address: 15 MOHAWK AV

Mailing Address: HANLEY CYNTHIA L TRUSTEE
LAKESHORE REALTY TRUST
76 S MAIN ST
MANSFIELD, MA 02048

Parcel Number: 105-038
CAMA Number: 105-038
Property Address: 19 MOHAWK AV

Mailing Address: ALLEN JAMES E & ROBERT D
19 MOHAWK AV
E FREETOWN, MA 02717

Parcel Number: 105-039
CAMA Number: 105-039
Property Address: 0 HURON AV

Mailing Address: SCANLON KATHLEEN TR
SCANLON FAMILY IRREV TRUST
2 A HURON AVE
E FREETOWN, MA 02717

www.cai-tech.com

11/22/2023

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Page 1 of 2



300 feet Abutters List Report

Freetown, MA

November 22, 2023

Parcel Number: 105-040
CAMA Number: 105-040
Property Address: 2 A HURON AV

Mailing Address: SCANLON KATHLEEN TR
SCANLON FAMILY IRREV TRUST
2-A HURON AV
E FREETOWN, MA 02717

Parcel Number: 105-041
CAMA Number: 105-041
Property Address: 2 B HURON AV

Mailing Address: RITCHIE DIANE L
P O BOX 21
E FREETOWN, MA 02717

Parcel Number: 105-042
CAMA Number: 105-042
Property Address: 25 MOHAWK AV

Mailing Address: BARROWS PAUL L & PETER C &
PAMELA ROGERS & SHIRLEY BARROW
25 MOHAWK AV
E FREETOWN, MA 02717

Parcel Number: 105-043
CAMA Number: 105-043
Property Address: 27 MOHAWK AV

Mailing Address: BOEHLER SUSAN L TR
NOYES FAMILY TRUST
36 FREETOWN ST
LAKEVILLE, MA 02347

Parcel Number: 105-044
CAMA Number: 105-044
Property Address: 1 ISLAND RD EXT

Mailing Address: STEEK TYLER M
1 ISLAND RD
E FREETOWN, MA 02717

Parcel Number: 105-045
CAMA Number: 105-045
Property Address: 3 HEMLOCK PNT

Mailing Address: BARNES JANE M & DONALD H
3 HEMLOCK PNT
E FREETOWN, MA 02717

Parcel Number: 105-046
CAMA Number: 105-046
Property Address: 5 ISLAND RD EXT

Mailing Address: BOEHLER SUSAN L TR
NOYES FAMILY TRUST
36 FREETOWN ST
LAKEVILLE, MA 02347

Parcel Number: 105-047
CAMA Number: 105-047
Property Address: 9 ISLAND RD EXT

Mailing Address: GREGOIRE LEONARD A & CHRISTINE
GREGOIRE FAMLY TRUST
9 ISLAND RD EXT
E FREETOWN, MA 02717

Parcel Number: 105-048
CAMA Number: 105-048
Property Address: 11 ISLAND RD EXT

Mailing Address: GLAVAS XENOPHON G & PAMELA C
716 S CATALINA AV #3
REDONDO BEACH, CA 90277

11/22/2023

www.cai-tech.com

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Page 2 of 2



FREETOWN BOARD OF ASSESSORS

TOWN HALL • P. O. BOX 438 • ASSONET, MASSACHUSETTS 02702

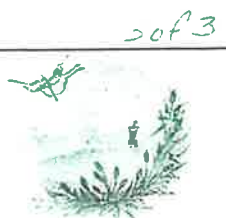
ADDITIONAL ABUTTERS – PROPERTIES ON LONG POND

Long Pond is a 1,721-acre pond, roughly 1/5 of which is in East Freetown and 4/5 of which are in Lakeville. Long Pond is a secondary drinking-water supply for neighboring cities including Taunton, Fall River, and New Bedford. Although they do not appear on your Certified List of Abutters, you must also notify the following:

City of Taunton
D.P.W. – Water Division
90 Ingell Street
Taunton, Mass. 02780

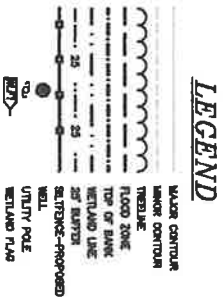
Fall River Water Department
1831 Bedford Street
Fall River, MA 02723

New Bedford Waterworks
1 Negus Way
East Freetown, Mass. 02717

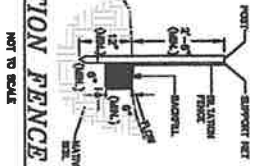




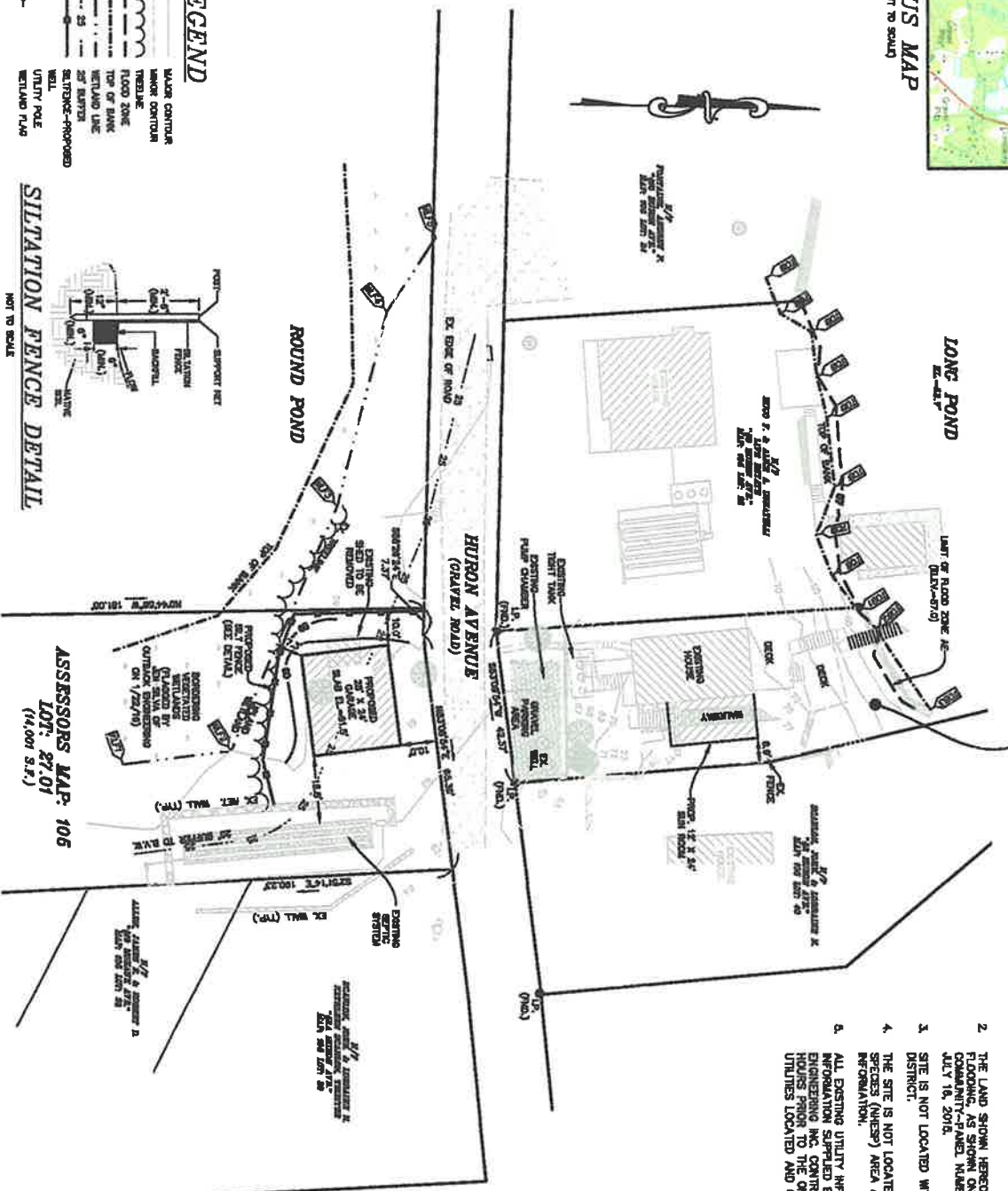
LOCUS MAP
(NOT TO SCALE)



SITUATION FENCE DETAIL
NOT TO SCALE



ASSESSORS MAP: 106
LOT: 27.01
(14,001 S.F.)



#4 HURON AVENUE
6,088 S.F.
0.13 AC.
(70 WETLANDS)

GENERAL NOTES

1. PLAN REFERENCE:
 - A. PROPERTY LINE INFORMATION TAKEN FROM DEED BOOK 8571 PAGE 83 AND PLAN BOOK 168 PAGE 13.
 - B. THE TOPOGRAPHY SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED BY OUTBACK ENGINEERING, INC. ON 9/8/17.
 - C. ELEVATIONS ARE BASED ON NAVD83 DATUM.
2. THE LAND SHOWN HEREON FALLS WITHIN ZONE 7C, AREAS OF UNUSUAL FLOODING AS SHOWN ON THE FLOODING HAZARD MAP, COMMUNITY-PLANNED NUMBER 2008002089 WITH AN EFFECTIVE DATE OF JULY 16, 2015.
3. SITE IS NOT LOCATED WITHIN A ZONE 8 WATER RESOURCE PROTECTION DISTRICT.
4. THE SITE IS NOT LOCATED WITHIN A NATURAL HERITAGE OR ENDANGERED SPECIES (NHP) AREA AS DESIGNATED USING THE LATEST ONLINE MAPPING INFORMATION.
5. ALL EXISTING UTILITY INFORMATION IS FROM THE BEST AVAILABLE INFORMATION SUPPLIED BY FIELD SURVEY PERFORMED BY OUTBACK ENGINEERING, INC. ON 9/8/17. THE INFORMATION IS AT LEAST 72 HOURS OLD. THE INFORMATION IS NOT TO BE USED FOR ANY CONSTRUCTION TO HAVE ALL EXISTING UTILITIES LOCATED AND CLEARLY MARKED.

REV	DATE	DESCRIPTION

OWNER & APPLICANT
MATT BIVENS
4 HURON AVENUE
E FREETOWN, MA 02717

ASSESSORS MAP: 106 LOT: 26
DEED BOOK 8571 PAGE 83

SITE PLAN
FOR
PROPOSED GARAGE

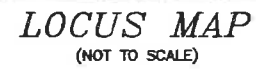
#4 HURON AVENUE

IN
FREETOWN
MASSACHUSETTS



165 EAST GROVE STREET
MIDDLEBOROUGH, MA 02346
TEL: (508)-946-8231
FAX: (508)-947-8673
www.outback-eng.com

DATE: SEPTEMBER 19, 2023
DRAWN BY: J.E.Y. CHECKED BY: J.A.Y.
SCALE: 1"=20' SHEET 1 OF 1
0' 20' 40' 60'



1. PLAN REFERENCE:

- A. PROPERTY LINE INFORMATION TAKEN FROM DEED BOOK 8571 PAGE 83 AND PLAN BOOK 166 PAGE 13.
- B. THE TOPOGRAPHY SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED BY OUTBACK ENGINEERING, INC. ON 6/9/17.
- C. ELEVATIONS ARE BASED ON NAVD88 DATUM.

2. THE LAND SHOWN HEREON FALLS WITHIN ZONE "X", AREAS OF MINIMAL FLOODING, AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 25005C0289G WITH AN EFFECTIVE DATE OF JULY 16, 2015.
3. SITE IS NOT LOCATED WITHIN A ZONE II WATER RESOURCE PROTECTION DISTRICT.
4. THE SITE IS LOCATED WITHIN A NATURAL HERITAGE OR ENDANGERED SPECIES (NHESP) AREA AS DESIGNATED USING THE LATEST ONLINE MAPPING INFORMATION.
5. ALL EXISTING UTILITY INFORMATION IS FROM THE BEST AVAILABLE INFORMATION SUPPLIED BY FIELD SURVEY PERFORMED BY OUTACK ENGINEERING INC. CONTRACTORS SHALL NOTIFY DIGSAFE (811) AT LEAST 72 HOURS PRIOR TO THE ONSET OF ANY CONSTRUCTION TO HAVE ALL EXISTING UTILITIES LOCATED AND CLEARLY MARKED.

NO.	DATE	DESCRIPTION
1	11-14-28	ADDED OWNER INFORMATION

MATT BIVENS
4 HURON AVENUE
E FREETOWN, MA 02717

ASSESSORS MAP:105 LOT:26
DEED BOOK 8571 PAGE 83

ALICE DONATELLI
8 HURON AVENUE
E FREETOWN, MA 02717

ASSESSORS MAP:105 LOT:27.01
DEED BOOK 2783 PAGE 187

Outback Engineering
Incorporated

165 EAST GROVE STREET
MIDDLEBOROUGH, MA 02346
TEL: (508)-946-9231
FAX: (508)-947-8873
www.outback-eng.com

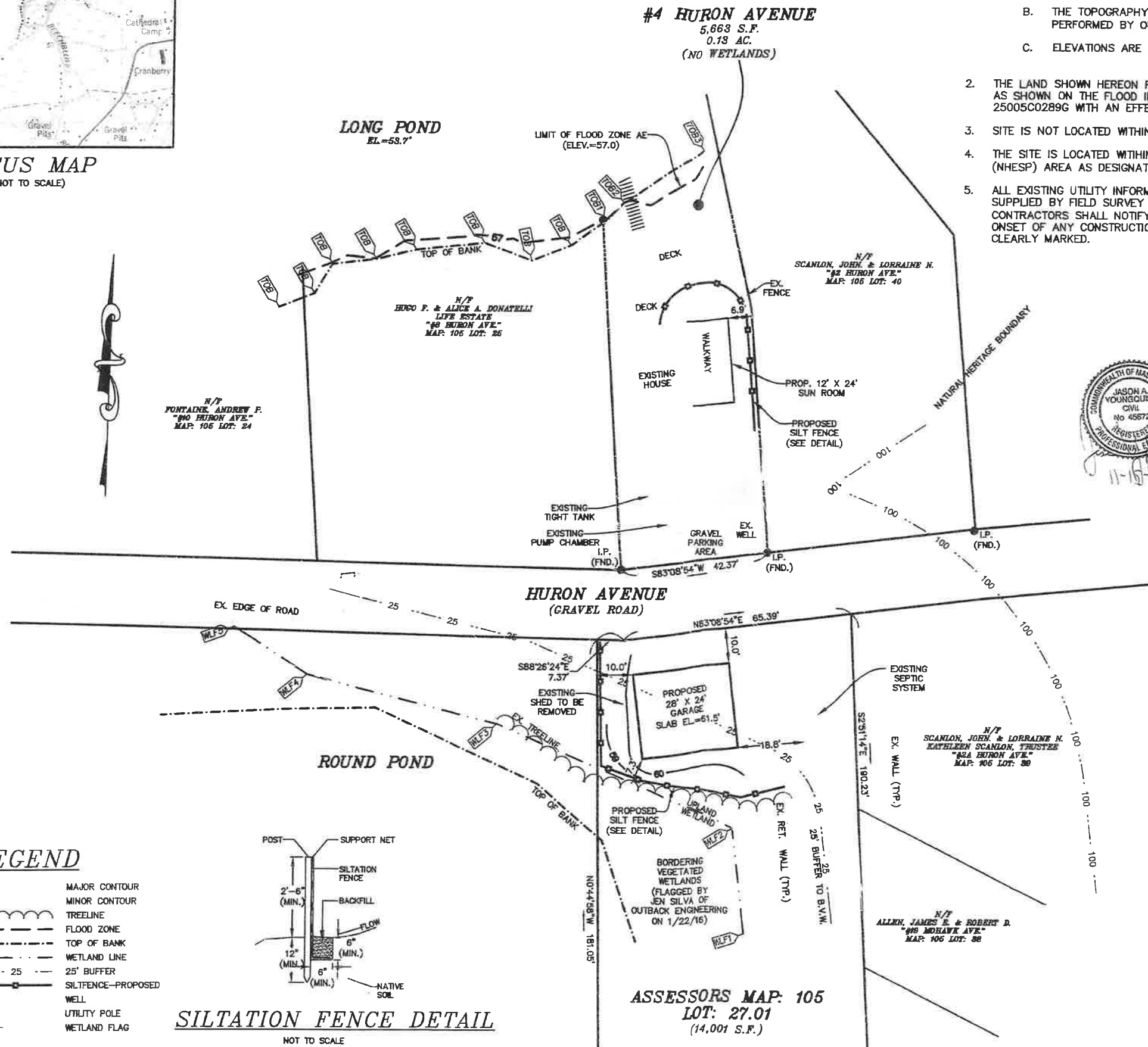
DATE: SEPTEMBER 22, 2023

DRAWN BY: J.E.Y.	CHECKED BY: J.A.Y.
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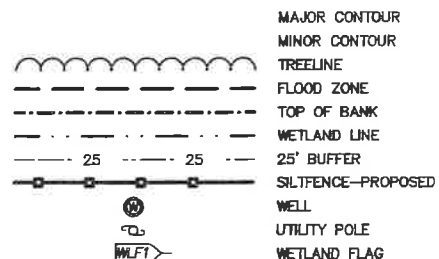
SCALE: 1"=20'	SHEET 1 OF 1
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0'	20'	40'	60'
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OE-3141



LEGEND



SILTATION FENCE DETAIL

NOT TO SCALE

ASSESSORS MAP: 105
LOT: 27.01
(14,001 S.F.)