

Freetown Zoning Board of Appeals

Wednesday, May 31, 2017
Town Hall – Assonet, Mass.

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Ja Brown

Present: James Frates, Bradford Paiva, and Nicolas Velozo.

Absent: James Sarcia (associate) and Christopher Chapin (associate).

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

Case #571 – Aspen Properties Investments, LLC – 64 Howland Road, Assonet (Map 210, Lot 24)

Mr. Frates called the continued public hearing to order at 6:54 p.m. Abutters present were noted as Michael Mendonca, James Young, and Ryan Pierce. Applicant Christopher Coute was also present, along with his representative Stevie Carvalho of Farland Corp. engineers.

Mr. Carvalho began by recapping what had happened at the previous meeting. He presented a new plan showing the existing home at 64 Howland Road, a proposed cul-de-sac, and topographic lines. The plan showed that a cul-de-sac on the existing grade would have a 25-foot drop in elevation across the right-of-way, dropping from elevation 89 to elevation 64.

Mr. Frates stated that the applicant either has frontage or does not have frontage. He still questioned how there was a hardship. Mr. Carvalho stated that there was a financial hardship in that creating a cul-de-sac would be prohibitively expensive on this property. Mr. Carvalho also believed the neighbors would not like the appearance of the property if it were altered to support a cul-de-sac; that it would be a detriment to the appearance of the neighborhood.

Mr. Frates asked if there were any comments from the neighbors.

Mr. Young, 62 Howland Road, stated he was against altering the property to have a cul-de-sac, as he believed it would push water onto his property and endanger his well and septic system.

No other neighbors spoke.

Mr. Velozo stated that the new plan better demonstrates the elevations and claimed hardships surrounding the cul-de-sac.

Mr. Paiva stated that he had no questions, but that he was still not in complete agreement that this situation was a hardship. He still believed that the applicant purchased the property knowing that it could not be divided. Mr. Carvalho noted that Board's previous concern that granting a variance for three feet could lead to applications for five feet, ten feet, etc., and stated that they were not looking to set a precedent for such variances. They are simply arguing the topography and financial burdens constitute a hardship. Mr. Paiva stated again that the applicant bought the property knowing it could not be divided. He would have been open to considering this request more favorably if it were an inherited property or something that the owner had come into without knowing all the facts, but in this case there could be no confusion.

Mr. Frates stated that it appeared to be a situation of creating one's own hardship. He acknowledged the arguments regarding financial burdens and water flowing to other properties.

Mr. Paiva stated he was not entirely sold on the idea, but would follow the wisdom of the board.

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

DISPOSITION: A motion was made by Mr. Velozo, seconded by Mr. Paiva, to grant the requested variance for reasons of financial hardship and topography of the property. The motion carried unanimously. Applicant's engineer was advised that when a plan is prepared for the Planning Board, it should carry a signature block for the Board of Appeals; if no plan is submitted to the Planning Board, a plan should still come before the Board of Appeals for endorsement.

Other Business Properly Before the Board

Board members acknowledged two applications were received earlier in the day for a variance for a property on Rounsevell Drive and for a special permit for a property on Bullock Road. The hearings were scheduled for Wednesday, June 28th at 6:30 p.m. at the Town Hall.

Minutes of Previous Meeting

Minutes of May 17th were received.

Meeting Adjourned

A motion was made by Mr. Paiva, seconded by Mr. Velozo, to adjourn the meeting at 7:11 p.m. The motion carried unanimously.

This is a True Record by me.

Attest: _____
Michael T. McCue, Senior Clerk