



### Zoning Board of Appeals Minutes – March 31, 2021

A meeting of the Town of Freetown **Zoning Board of Appeals** was held on **March 31, 2021** virtually over Zoom. **Present:** Chairman James Frates, Nick Velozo, Robert Jose, Swede Magnett

RECEIVED  
FREETOWN TOWN CLERK  
2021 SEP 17 AM 8:12

*Christine A. Bell*

**Chairman Frates** called the meeting to order at 6:00 pm.

**Chairman Frates** read the opening meeting statement authorizing virtual meetings due to the COVID-19 Pandemic.

#### Public Hearing – 4 Tanglewood Drive

**Mr. Velozo** made a motion to open the public hearing. **Mr. Magnett** seconded. The motion passed unanimously.

Beth Sweet, owner, said her daughter and her 2 children have been living with her for 2 years. Ms. Sweet said the plan would be for her and her partner to live in the in-law apartment and for Ms. Sweet's daughter and grandchildren to live in the house.

**Chairman Frates** says that the space is above the garage and asked if the garage has been built yet. Ms. Sweet said no, it's a 2 car garage and the space above it is about 730 square feet. Ms. Sweet said there would be a common entrance through the house. Ms. Sweet said the second room will primarily be used as an office.

**Chairman Frates** said he had no questions. **Mr. Velozo** said he had no questions regarding the in-law apartment but that the Building Inspector may require a second means of egress. **Mr. Jose** asked if the garage will be attached to the main house. Ms. Sweet said it would.

Jeff Chandler, Freetown Building Inspector and Zoning Enforcement Official, said once they submit the plans he will make sure everything is up to code.

**Mr. Jose** asked what the square footage of the primary house is. **Chairman Frates** said it is 1,798 square feet. **Chairman Frates** said that he believes the 2 car garage satisfies the requirement have additional parking spaces.

**Mr. Velozo** made a motion to approve the in-law apartment special permit at 4 Tanglewood Drive as submitted. **Mr. Jose** seconded. The motion passed unanimously.

**Mr. Jose** made a motion to close the public hearing. **Mr. Magnett** seconded. The motion passed unanimously.

#### January 13, 2021 and February 3, 2021 Minutes

**Mr. Velozo** made a motion to approve the minutes from the January 13, 2021 and February 3, 2021 meetings. **Mr. Jose** seconded. The motion passed unanimously.

#### Discussion on In-Law Apartment By-Law

**Mr. Velozo** said he reviewed the by-law after last meeting and said that **Mr. Jose** was correct that a cooking appliance is what qualifies something as an accessory apartment. **Mr. Velozo** said it's a fine line because someone can have multiple kitchens in their house. **Mr. Velozo** said that since the applicants are designing the area as an in-law apartment and have to come to the Board for approval they can't just create a plan for a kitchen and large living area. **Mr. Velozo** said he is open to the doorway item and opposed to having the kitchen removed once the permit expires. **Mr. Frates** asked **Mr. Velozo** if he supports Mr. Chandler's idea to take the door out once the permit expires. **Mr. Velozo** said yes because he thinks it will discourage someone from illegally renting out an accessory apartment if there is no door separating the areas. **Mr. Velozo** asked if the Board is in favor of having the door removed after the permit expires or by just requiring a cased opening. **Chairman Frates** said they would probably still want some privacy. **Mr. Velozo** said he was referring to removing the door once the accessory apartment is no longer in use. **Chairman Frates** asked what the Board can do if the space is rented out. **Mr. Jose** said the Zoning Enforcement official could issue a cease and desist and involve the Land Court. **Mr. Magnett** asked if he was correct that there are a series of inspections that have to take place when the house is sold and if that inspection could be used to have the door removed in a way that would be permanent. Mr. Chandler said that he doesn't have the authority to go into the house but that he is working with the fire department and asked them to reach out if they see an in-law apartment during a sale inspection. Mr. Chandler said he would then reach out and schedule an inspection. **Mr. Jose** asked Mr. Chandler if he would normally do a decommissioning inspection once the permit expires or the intended occupant is no longer living there. Mr. Chandler said right now he has no record of all the previous in-law apartments except for the ones that he has happened to pull out the file of in the Building Department. **Mr. Jose** said the homeowner is at peril because the insurance company is going to say that the permit is expired and that they will not be covered. **Chairman Frates** said he likes the idea of adding that the door has to be removed after the permit expires to the by-law.

**Mr. Velozo** said he has one major concern that we had this discussion about 5 years ago with the previous building inspector, Scott, who said he was going to keep better track of expiring accessory apartment permits and that there has to be a better way to track them. **Chairman Frates** said the Board could ask the clerk to compile a spreadsheet of the accessory apartments approved in the last 10 years. **Mr. Jose** said what the Board needs is some sort of decommissioning plan.

**Mr. Velozo** said he thinks what the Board should do is submit an article for town meeting that removes the cooking appliance qualifier for an in-law apartment and replace it with one that is based on the door separating the 2 areas. Mr. Chandler said he has been suggesting a 6 or 7 foot hallway or stairway in lieu of putting in a door to contractors. **Mr. Jose** said the separation is what makes it an in-law apartment. **Mr. Jose** suggested that if the permit expires and is not reapplied for then the door has to be permanently taken out. **Chairman Frates** said the door has to be removed, the frame has to be removed, and the opening has to be returned to a drywall opening. Mr. Chandler said he would try and push for the opening to be a 4 foot opening.

**Chairman Frates** suggested including a decommissioning inspection if the permit expires and is not reapplied for with 90 days. **Mr. Jose** suggested requiring a decommissioning permit. **Mr. Velozo** said he is against requiring a permit be pulled for a decommissioning fee. **Chairman Frates** said he would like to leave the final decommissioning process up to the Building Inspector based on the individual needs of the house. **Mr. Velozo** said he believes it will be easier to word the by-law to require that once the permit is expired that the dwelling be reverted back into one consistent dwelling instead of wording it

that the Building Enforcement official tells you what to do. **Mr. Velozo** said he thinks the article should just add a paragraph at the end of the current by-law.

**Chairman Frates** suggested that everyone think about how they would like to change the accessory apartment by-law and then the Board can discuss it at the next meeting.

**Mr. Velozo** made a motion to adjourn. **Mr. Jose** seconded. The motion passed unanimously.

Respectfully Submitted,  
C. Nils McKay

Freetown Zoning Board of Appeals Clerk