



TOWN OF FAIRHAVEN
BOARD OF APPEALS
Town Hall, Fairhaven, Mass. 02719

August 2, 2011

The Fairhaven Board of Appeals met on August 2, 2011 at 6:00 PM at the Fairhaven Town Hall. Members present were: Mr. Joseph Borelli, Mr. Daryl Manchester, Mr. Rene Fleurent, Jr., Mr. Kenneth Kendall, Mr. Al Silva, Mr. Peter DeTerra and Ms. Peg Cook. The following petition was considered:

Petitioner: Steve Economus 46 Center Street Plat 9, Lot 103 Book 7400, Page 140
198-18 . 15% over the maximum allowed building coverage of 30% in a RA District.

This is a continued hearing From July 5, 2011. Motion to re-open the hearing was made by Mr. Fleurent; seconded by Mr. Borelli. The vote was unanimous.

A letter was received from the petitioner requesting to withdraw the petition without prejudice. The letter is part of this record.

Motion to allow the petitioner to withdraw the petition without prejudice was made by Mr. Fleurent; seconded by Mr. Kendall. The vote was unanimous.

Peter DeTerra,
Chairman



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Petitioner: Gina & Keith Moniz 70 Elm Avenue Plat 14, Lot 135 Book 5444, Page 244
198-22-4 Short 3' of the required 5' setback for an Accessory Structure.

The petition was read. There were 43 abutters notified. The petitioner would like to place a 7'x8' concrete pad in the rear yard for a hot tub. The proposed site abuts a fence and an abutter's garage. The lot is small and the setback variance is required.

In Favor: The petitioner. A petition in favor of the proposal from three immediate and impacted abutters was read and is part of this record.

Opposed/Questions: none

Motion to grant the Variance was made by Mr. Kendall; seconded by Mr. Fleurent.

Board members voting to grant the Variance: Mr. Silva, Ms. Cook, Mr. Manchester and Mr. Borelli.

Board member voting not to grant the Variance: Mr. Fleurent

The Board voted 4-1 to grant the Variance of three feet (3') of the required five feet (5') setback for an Accessory Structure as required in Section 198-22-4 of the By-Law for the following reasons:

- 1.0 The lot is small and a variance is required. Not granting the Variance would create a hardship.
- 2.0 Granting this relief will not derogate from the intent and purpose of the By-Law.
- 3.0 Granting this relief will not adversely affect the zoning district in which it is located.

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Petitioner: Marilyn G. McMahon 22 Littleneck Road Plat 43A, Lot 159,160 Book 124, Page 66 Certificate #21845
198-18 Short 5' and 18' of the required 30' front setback on a corner lot in a RR District.

The petition was read. There were 51 abutters notified. Brian McMahon represented the petitioner. They would like to demolish the existing garage and 6'x10' porch and construct a 12'x16' mudroom and a 16'x16' sunroom. His in-laws would like to live here full time and the structure requires changes. The garage is in poor condition and they need a mudroom to contain the laundry area. The 16'x16' sunroom would be for their enjoyment. A 6'x24' farmer's porch will also be added. A sister-in-law lives on West Island now and she will be close by to her parents when they move here permanently. The structure is currently non-conforming and the variance is required because of the placement of the structure on the lot.

In Favor: The petitioner

Opposed/Questions: none

Motion to grant the Variance was made by Mr. Silva; seconded by Mr. Borelli.

Board members voting to grant the Variance: Mr. Kendall, Ms. Cook, Mr. Borelli, Mr. Manchester and Mr. Silva.

The Board voted 5-0 to grant the Variance of five feet (5') and eighteen feet (18') of the required thirty feet (30') setback on a corner lot in a RR District as required in Section 198-18 of the By-Law for the following reasons:

- 1.0 The structure is placed on the lot such that a variance is required. Not granting the Variance would create a hardship.
- 2.0 Granting this relief will not derogate from the intent and purpose of the By-Law.
- 3.0 Granting this relief will not adversely affect the zoning district in which it is located.

Peter DeTerra,
Chairman