



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

November 15, 2011

The Fairhaven Board of Appeals met on November 15, 2011 at 6:00 PM at the Fairhaven Town Hall. Members present were: Mr. Rene Fleurent, Jr., Mr. Kenneth Kendall, Mr. Fran Cox, Mr. Peter DeTerra, Mr. Daryl Manchester and Ms. Peg Cook. The following petition was considered:

Petitioner: Southcoast Hospitals Group, Inc. 206 Mill Road Plat 36, Lot 11 Book 9475, Page 129
Special Permit A Special Permit is required for construction of a hospital in a RR District.
198-18 12' over the maximum allowed height of 35' in a RR District.

This is a continued hearing from November 1. Motion to open the hearing was made by Mr. Cox; seconded by Mr. Kendall. Vote was unanimous. Attorney Chris Saunders of New Bedford represented the petitioner. Final plans were presented. Discussion ensued.

Questions:

Herbert Souza, 9 Shady Drive, posed many questions: proposed sidewalk, ambulance use, potential drug clinic, snow removal, hours of operation, noise levels during hours of operation. Attorney Saunders responded to each query. Ms. Linda Bodemann, Chief Operating Officer for Southcoast Hospitals Group, Inc. stated that should snow storage hinder parking on site, the snow would be disposed of off-site.

Motion to grant the variance of 7' over the maximum allowed height of 35' in a RR District was made by Mr. Cox; seconded by Mr. Kendall. Members voting to grant the variance: Mr. Kendall, Mr. Fleurent, Jr., Ms. Cook, Mr. Manchester and Mr. Cox.

The board voted 5-0 to grant the Variance of seven feet (7') over the maximum allowed height of thirty-five feet (35') in a RR District as required in Section 198-18 of the By-Laws for the following reasons:

- 1.0 The roof top mechanical room is required for operation. 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.

Motion to grant the Special Permit with the stipulated Conditions of Approval of November 15, 2011 as attached and referenced on the final plans entitled "Ambulatory Care Center, Fairhaven, MA" dated November 1, 2011, was made by Mr. Cox; seconded by Mr. Kendall. Board members voting to grant the Special Permit as motioned: Mr. Kendall, Mr. Fleurent, Jr., Ms. Cook, Mr. Manchester and Mr. Cox.

The Board voted 5-0 to grant the Special Permit with Conditions of Approval from November 15, 2011 for construction of a hospital in a RR District as required by the By-Laws for the following reasons:

- 1.0 The proposal is in keeping with the requirements of the By-Laws, Not granting the Special Permit 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