

**MINUTES OF BOARD OF APPEALS MEETING OF MAY 1, 2012: Town Hall Banquet Room**

**I. ADMINISTRATIVE BUSINESS**

Vice-Chairman Joseph Borelli – Opened the meeting at 6:10 p.m.

Quorum/Attendance

Members Present – Vice-Chairman Joseph Borelli, Daryl Manchester, Francis J. Cox, Peg Cook, Rene Fleurent, Jr. (Assoc.), Kenneth Kendall (Assoc.), Building Commissioner Wayne Fostin, Assistant Building Commissioner Andrew Bobola

Absent – Peter DeTerra, Al Silva (Assoc.) and Joseph Morra (Assoc.)

Bills: Fairhaven Neighborhood News \$130.00 for legal ads for May hearing. Mr. Fleurent, Jr. motioned to sign the invoice. Mr. Kendall seconded. The vote was unanimous.

**II. PUBLIC HEARING:**

1. Petitioner: Bernard J. Ristuccia: 24 Nelson Avenue, Plat 43, Lot 37-38, Book 9498, Page 120; 198-18: Short 9' of the required 30' front setback, short 17' of the required 20' side setback, short 13' of the required 30' rear setback and 10% over the maximum allowed building coverage of 15% all within a RR District.

This is a continued hearing from April 3, 2012.

Mr. Cox motioned to open the hearing. Mr. Kendall seconded. The vote was unanimous.

A written request from Mr. Bernard J. Ristuccia was read stating a new petition with the requisite notifications will be on the June agenda. The request is part of the record.

Mr. Cox motioned to allow the existing petition to be withdrawn without prejudice. Mr. Borelli seconded. The vote was unanimous.

2. Petitioner: Donna McKenna , Arsene Street, Plat 28, Lots 8, 8A & 9; Book 1490, Page 201 and Book 3326, Page 266; Administrative Appeal: Administrative Appeal of building permit for wind turbines.

This is a continued hearing from April 3, 2012.

Mr. Cox motioned to open the hearing. Mr. Kendall seconded. The vote was unanimous.

Town Counsel Thomas Crotty presented two letters. One indicating there is no conflict of interest and another stating his views on the petitioner's inquires to the Board. The letters are part of the record. There was no representative for the petitioner. There was not a quorum of Board members eligible to vote on the matter.

Mr. Cox motioned to continue the hearing to June 5, 2012. Mr. Kendall seconded. The vote was unanimous.

3. Petitioner: Michael F. Cardoso, 54 Gilbert Street, Plat 29D, Lots 14A, 15, 28A, 29A; Book 9720, Page 170; 198-18: Short 10' of the required 20' east side setback and 1% over the maximum allowed lot coverage of 15% in a RR District.

The old wooden 20'x16' deck was razed on the property and the petitioner would like to place a 32'x20' concrete patio in the same place.

Mr. Cox motioned to grant the petition. Mr. Kendall seconded. The Vote was passed 5-0.

4. Petitioner: Carlos Tavares, 22 Ash Street, Plat 24, Lot 11; Certificate #19918; 198-23-A: 380 sq ft over the maximum allowed 700 sq ft for an accessory structure. 198-23-A2: No accessory structure may exceed 20' in height.

The petitioner requests a two-story 30'x26' stand alone garage to place his vehicles and store family goods. An abutter, Mr. Cromwell at 23 Ash Street, is in favor of the request.

Mr. Fleurent, Jr. asked the height of the structure. The calculated maximum height is 24'.

Mr. Cox motioned to grant the variance with the condition that the height is not to exceed 24'. Mr. Fleurent, Jr. seconded. The motion passed 5-0.

5. Petitioner: Joshua F. Benoit, 54 Gilbert Street, Plat 8, Lot 17; Book 10209, Page 218; 198-23-4: Short 2' of the required 5' setback for an accessory structure in a RA District.

The petitioner requests to place a 12'x8' shed in his yard. The yard is small and by-law compliance would place the shed in the middle of the yard which would leave no room for the children to play and store toys. A letter of support from Mr. Baumgartner at 97 Pleasant Street was read and is part of the record.

Mr. Fleurent, Jr. motioned to grant the variance. Mr. Cox seconded. The motion passed 5-0.

### **III. OTHER BUSINESS:**

Mr. Cox motioned to have the majority of the Board sign all invoices in the future, as has been the practice in the past. Mr. Kendall seconded. The vote was unanimous.

### **ADJOURNMENT**

Mr. Kendall moved to adjourn the meeting. Mr. Cox seconded. The vote was unanimous. The meeting was adjourned at 6:30 p.m.

Respectfully Submitted,  
Patricia Fowle, Secretary  
To the Board of Appeals