

Fairhaven Zoning Board of Appeals
Tuesday, July 7, 2020

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TOWN CLERK

2020 AUG 12 A 10:07

I. **ADMINISTRATIVE BUSINESS:**

The meeting was being held via Zoom Remote per the Governor's order during the Pandemic that began in March 2020.

Quorum/Attendance:

Present: Peter DeTerra, Rui DaSilva (in Banquet Room); Ken Kendall (in Banquet Room); Daryl Manchester, Al Silva and Peg Cook were all present via Zoom

Absent: Franis Cox and Joe Borelli

Zoning Officer: Kristian White was also present.

- Acceptance of Minutes – June 2, 2020 – Ken Kendall made a motion to approve the minutes of June 2, 2020 and was seconded by Al Silva. The motion passed unanimously.

II. **PUBLIC HEARINGS:**

1. Administrative Appeal by Fairhaven Shipyard – re: 7 Union Street. Seeking reversal of zoning determination by the Town of Fairhaven Building Commissioner dated February 20, 2020. (Application attached) – **Continued** from April 7, 2020, May 5, 2020, June 2, 2020, and July 7, 2020. **Asked for a continuance to August 4, 2020**

Ken Kendall made a motion to continue per the applicant's request to August 4, 2020 and was seconded by Rui DaSilva. The motion passed unanimously.

2. Administrative Appeal by A1 Crane – re: 86-88 Middle Street. Administrative Appeal from a letter dated April 7, 2020 from the Building Commissioner stating that the operation on the site is in violation of the Mixed Use zoning regulations. (see attached-Exhibit 3) (continued per applicant's request to July 7, 2020 Meeting, see attached.) **Asking for a Continuance to August 4, 2020**

Ken Kendall made a motion to continue per the applicant's request to August 4, 2020 and was seconded by Rui DaSilva. The motion passed unanimously.

3. 15 Bluepoint Rd. Pompile, John & RoseAnn – Variance request for 1' on West side and a Variance request for 5' on East Side for Proposed Addition.

Ms. Pompile was present and stated that she was asking for a variance for a proposed addition. She did ask if approved if there was an expiration date on the variance.

Mr. White stated there was a one year expiration date and that they could ask for a six month extension. Mr. DeTerra stated they would just need to write a letter to the board to ask for the extension.

Mr. Kendall made a motion to approve and was seconded by Rui DaSilva. The motion passed unanimously.

4. 28 Holiday Drive. Plotczyk, Carol A. 198-22 (A): Variance for 14' short of the 30' street setback requirement to Holiday Drive and Sunrise Court (a paper street) for a 1-stall garage addition. (***continuance request to August 4, 2020***)

Mr. Kendall made a motion to continue per the applicant's request for August 4, 2020 and was seconded by Rui DaSilva. The motion passed unanimously.

5. 1 Smuggler's Road. Decker, Keith & Kimberly. 198-22(A): Variance for 3' over the 20' height maximum allowable for an accessory structure (detached garage).

Mr. Doug Schneider, engineer, was present on behalf of the applicant. He stated the application was before the board a few months ago for square footage of the garage over the allotted amount but that they hadn't put in for the height variance. He stated they are staying within the square footage for the garage but was asking for a 3' variance over the 20' height maximum in that area for a 2 car garage.

Resident, Kathleen Smith had a question on why they are asking for 3'.

Mr. Schneider stated they were looking for storage space above the garage – anything less than 23' would be too small for additional storage space. He said it was the ridge line that makes it over the 20' maximum.

Ms. Smith asked how tall the cupola was on the roof? Mr. Schneider stated it was approximately 2'. Ms. Smith was now concerned that the height was now 5' over the required 20' limit.

Residents, Erik and Carly Baumann shared concerns about the height limit as they live on 48 Jerusalem Road.

Mr. DeTerra suggested that Mr. Schneider discuss with a few concerning neighbors and do a possibly site visit.

Mr. Silva asked if the pitch of the roof could be lowered.

Mr. DeTerra asked if they'd be applicable to coming back next month after having a discussion with the neighbors. Mr. Schneider said that would be fine.

Ken Kendall made a motion to continue 1 Smuggler's Road to August 4, 2020 and was seconded by Al Silva. The motion passed unanimously.

6. 191 Balsam Street. Ristuccia, Daniel & Donna. 198-18: Variance to allow front setback to 29' instead of a required 30' in a RR district for a proposed family room addition. (Variance is for 1')

Daniel Ristuccia was present. He stated that he was building a 18x22 addition and was asking for the setback to be 29'. He doesn't think any impact as most of the homes are closer to the street than his home.

Ken Kendall made a motion to approve and was seconded by Rui DaSilva. The motion passed unanimously.

III. BILLS

1. Approve FY'20 Bill(s) to Fairhaven Neighborhood News & W.B. Mason

Ken Kendall made a motion to pay the FY20 bills and was seconded by Rui DaSilva. The motion passed unanimously.

Mr. Kendall made a motion to adjourn and was seconded by Rui DaSilva. The motion passed unanimously at 6:25 p.m.

Respectfully,


Pattie Pacella

Recording Secretary

