

**Zoning Board of Appeals
June 2, 2020**

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I. ADMINISTRATIVE BUSINESS

Quorum/Attendance

Present: Chairperson, Peter DeTerra, Vice Chairperson, Francis Cox, Kenneth Kendall, Rui DaSilva were all present at Town Hall Banquet Room and Darryl Manchester via remote Zoom conference.

TOWN OF FAIRHAVEN,
MASS.

Absent: Joe Borelli, Peg Cook, Al Silva

Building Commissioner and Zoning Enforcer, Kris White was also present.

- Acceptance of Minutes – May 5, 2020 – Francis Cox made a motion to approve the May 5, 2020 minutes and was seconded by Kenneth Kendall. 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 and May 5, 2020. ***(Continued to July 7, 2020, per applicant's request)***

Kenneth Kendall made a motion to continue per the applicant's request to July 7, 2020 and was seconded by Francis Cox. The motion passed unanimously.

2. 905 Scoticut Neck Road, Robert S Davis. Variance request of 12.5' short of 30' front setback, 12.0' short of 30' in rear setback in a RA Zone to demolish and reconstruct a single-family dwelling. 198-21(3) Restoration – No conforming structure damaged by fire, storm or other causes to the extent of 75% of its replacement value shall be repaired or rebuilt except in conformity with this chapter, within 2 years.

Mr. DeTerra opened the public hearing and read the advertisement.

Dave Davignon was present on behalf of the property owners. Mr. Davis has owned property since 1977 – it was summer home for his wife and family. Mr. Davignon explained this was a proposed removal of cottage and looking to build a year-round home. He stated the house has to be elevated and has been approved by the Conservation Commission. He said it was also approved previously by zoning but they ran out of time to use the variance. He said essentially asking for the same setback variances.

Peter Pendergast is an abutter. He was in favor of the project and in support of it.

Sherry Gomes, neighbor – in favor of project.

Francis Cox made a motion to approve the variances as requested and also the Special Permit for demolition of a home and rebuild within two years and was seconded by Kenneth Kendall. The motion passed unanimously.

3. 16 Wilbur's Point Drive. 198-18: Variance for 15' short of the front setback, 28' short of the rear setback, 8.5' short of the side back, 5'5 short of the southerly side setback. 198-18: Variance for 2.5' above the maximum 35' height requirement for new single family home. 198-21(d): Variance to demolish and the rebuild the house within 2 years.

Dave Davignon was present on behalf of homeowner Ms. Gomes who was also in attendance via a Zoom call. Ms. Gomes has owned the home for decades with her family. He stated the variances they were looking for. He advised the board that Conservation has approved the project as well as the Board of Health for a tight tank.

Bob Davis, neighbor and in favor of the project. An improvement to the house there.

Francis Cox made a motion to approve and was seconded by Ken Kendall. The motion passed unanimously.

4. 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.)*

Ken Kendall made a motion to approve and was seconded by Francis Cox. The motion passed unanimously.

5. 34 Davis Street. Viveiros, Kevin. 198-22: Variance request for 2' short on Northeast Side of 10' required for installation of an above ground pool.

Mr. DeTerra stated that this would be withdrawn without prejudice. Mr. DeTerra said the applicant went to Board of Health for the variance and it was accepted.

Fran Cox made a motion to withdraw without prejudice and was second by Ken Kendall. The motion passed unanimously.

Francis Cox made a motion to adjourn and was seconded by Ken Kendall. The motion passed unanimously. The meeting adjourned at 6:17pm

Respectfully submitted,



Patricia A. Pacella
Recording Secretary