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**Fairhaven Zoning Board of Appeals**  
**Tuesday, March 2, 2021**  
***Minutes of Meeting***

**I. ADMINISTRATIVE BUSINESS**

The meeting was held remotely via Zoom per the Governor's orders during the pandemic that began in March 2020.

Peter DeTerra opened the meeting at 6:00p.m and read the recording and open meeting law information.

**Quorum/Attendance:**

**Present:** Peter DeTerra, Chairman, Peg Cook, Rui DaSilva, Darryl Manchester and Alberto Silva.

**Absent:** Francis Cox, Jaime DeSousa, Kenneth Kendall and Joe Borelli.

Building Commissioner and Zoning Enforcement Officer Chris Carmichael was also present.

Acceptance of Minutes – Albert Silva made a motion to approve the minutes of February 2, 2021 and was seconded by Rui DaSilva. The motion passed unanimously via roll call vote by Peg Cook, Rui DaSilva, Darryl Manchester, Alberto Silva and Peter DeTerra.

**II. DISCUSSION – Discussion reference to Oxford School update.**

Mr. DeTerra asked Chris Carmichael, to opine on the matter. Mr. Carmichael noted that the Oxford School roof line was previously voted on by this board two years ago, thence no further action is necessary. Ann Richard, attending the meeting Zoom inquired as to the process, if the Demolition Permit has been issued to Stratford Group, and the following actions and dates. Mr. Carmichael was requested by Chairman DeTerra to respond to Ms. Richard's inquiry. Mr. Carmichael informed that Building Permit will be issued upon presentation of the fee payment and other requisites have been met, such as building code, handicap accessibility, etc. The demolition will take place after about a month of abatement, which that is planned for the two weeks from now. The building has been turned over. Demotion will commence mid-April lasting about a month, with construction expected to commence either May or June. Ms. Richard inquired as to the process of notification of abutters, traffic study as to construction and demolition as Benoit Square is a traffic congested area, and the process followed by the Board. Chairman DeTerra informed Ms. Richard that the process of notification of abutters took place a couple of years ago when the vote came before the Board. She asserted the question as to notification as to the demolition and possible interruptions of traffic. Mr. Carmichael responded that a pre-construction meeting was held with the contractor and all departments heads affected such as police, fire, BPW, and all on-going concerns were addressed. Police will be dealing with any deliveries and road work, fire department is gaining access to the site, etc. Everything is moving forward according to schedule and plans. Mr. Carmichael offered to give Ms. Richard the direct contact with the project manager, if she is interested, in order to ensure that any and all proper notifications have been taken care of. Mr.

Carmichael stressed that most of her notification concerns have been addressed, and he is willing to address any and all concerns. Ms. Richard then explained that she is concerned on behalf of the residents of the area as they should know what is going to be happening as it is going to be a big process.

### III. PUBLIC HEARINGS:

1. Administrative Appeal by Fairhaven Shipyard – re: 7 Union Street. REF#: ZBA-AA 01: 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, July 7, 2020, August 11, 2020, September 2, 2020, December 1, 2020,). Due to the absence of a representative/agent suggestion was made by the Chairman for ***continuance to April 6, 2021.***

Rui DaSilva made a motion to continue per the applicants request to April 6, 2021 and was seconded by Darryl Manchester. The motion passed unanimously via roll call vote by Peg Cook, Rui DaSilva, Darryl Manchester, Alberto Silva and Peter DeTerra.

2. Administrative Appeal by A1 Crane – re: 86-88 Middle Street. REF#: ZBA-AA-02: 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. Continued per applicant's request to September 2, 2020, November 3, 2020, December 1, 2020 and January 5, 2021.

Update was made by Mr. Carmichael stating that A-1 Crane has just hired new counsel, currently reviewing the appeal, as they are not in attendance of the meeting, Mr. Carmichael requests a continuance, otherwise it would violate the open meeting law. ***Asking for a continuance to April 7, 2021.***

Alberto Silva made a motion to continue April 7, 2021 and was seconded by Rui DeSilva. The motion passed unanimously via roll call vote by Peg Cook, Rui DaSilva, Darryl Manchester, Alberto Silva and Peter DeTerra.

3. REF #: ZBA 2021-08: 130 Shaw Road, Owner: Michael Oliveira. 198-16: Special Permit request for an in-law apartment above garage in an AG District.

Debra Oliveira explained the existing garage attached to the home, which has been used for storage for a number of years, now interested in adding an in-law apartment. Mr. Carmichael asked the petitioner how the building is attached, as two primary structures are not permitted, and would prefer that there is a conditional space throughout, one continuous condition space. A bylaw would be violated if the structure(s) were detached in some way. In response the applicant explained that the structures are attached by an open breezeway (fully enclosed), with a sort of cathedral ceiling with a separate entrance on the inside, and planning to create another egress in the back, as well. Mr. Carmichael advised Chairman that a condition be imposed that the said connecting livable space as part of that above-referenced breezeway be heated and air conditioned, therefore there are not two separate structures on the same lot. Mr. Carmichael detailed the condition that living space be heated to "68° 10 feet from the wall, with a heating zone". Petitioner informed that to be the plan.

Resident, Ann Richard inquired if all board members were supplied a plan, to which she was informed that everyone was furnished weeks ahead of the meeting with physical copies of the plans.

Rui DaSilva made a motion to approve the Special Permit condition that the breezeway be heated and air conditioned and it was seconded by Alberto Silva. The motion passed unanimously via roll call vote by Peg Cook, Rui DaSilva, Darryl Manchester, Alberto Silva and Peter DeTerra.

4. REF#: ZBA 2021-09: 28 Oliver Street. Owner: Souza, Adam. 198-16:

**(1)** Variance request to extend the current non-conforming setbacks for a proposed attached addition.

**(2)** Variance for 6'10" from rear setback and 4'4" from front setback line.

Petitioner Adam Souza explained to the Board due to a growing family the existing dwelling is not large enough for the family, reason why the addition off to the side and garage.

Rui DaSilva made a motion approve the **(1)** Variance and was seconded by Alberto Silva. The motion passed unanimously via roll call vote by Peg Cook, Rui DaSilva, Darryl Manchester, Alberto Silva and Peter DeTerra.

Rui DaSilva made a motion approve the **(2)** Variance and was seconded by Alberto Silva. The motion passed unanimously via roll call vote by Peg Cook, Rui DaSilva, Darryl Manchester, Alberto Silva and Peter DeTerra.

5. REF #: ZBA 2021-10: 10 Littleneck Road, Owner: Paul & Francesca Frederico. 198-16: Variance request to extend existing non-conforming west side setback of 13.1' by a maximum of 7' to align with existing north side wall for a proposed addition.

Peter Kennett, Architect was present and informed the board that he prepared the drawings for the petitioner. Per the drawing submitted the grey hatch is the existing building and the cross hatches are the additions for the structure. The grey hatch on the bottom left that is outside of the allowable setbacks, and petitioner is to extend the distant non-conforming by 7 feet.

Alberto Silva made a motion to approve the Variance and was seconded by Rui DaSilva. The motion passed unanimously via roll call vote by Peg Cook, Rui DaSilva, Darryl Manchester, Alberto Silva and Peter DeTerra.

Rui DaSilva made a motion to adjourn and was seconded by Alberto Silva. Roll call vote was unanimous by Peg Cook, Rui DaSilva, Darryl Manchester, Alberto Silva and Peter DeTerra and meeting adjourned at 6:23p.m.

Respectively submitted,



Maria J. Carvalho  
Recording Secretary