

TOWN OF MATTAPOISETT
BOARD OF APPEALS

Application of)
Stephen Kelleher Architects)
Lucinda Woods & Stanley Tyliczak)
140 Brandt Island Road)
Mattapoisett, MA 02739) BOA CASE
#1165
relating to property located)
at 140 Brandt Island Road)

RECORD OF PROCEEDINGS

The public hearing in BOA Case #1165 was called to order by Chairperson Chase on February 18, 2010. Chairperson Chase explained the practice and procedures of the Board. Chairperson Chase stated that the members of the Board to hear and determine this case were Chase, Brogan, Akin, Lyonnais and DesLandes. Board member Akin read the application as filed with the Town Clerk on January 20, 2010.

Mr. Stephen Kelleher, architect for the applicants addressed the Board in their request for a Special Permit. Mr. Kelleher stated that his clients were previously before the Board to construct a garage with master bedroom above that did not meet the required setbacks. The application was granted but he neglected to ask the Board for relief for the side setback (north). Therefore, the applicants are before the Board now to allow the proposed addition to be 18'9" from the property line at the northwest corner of the addition which will include the overhang. Please refer to Exhibit "A" in the file which is the site plan showing all setbacks.

The Building Inspector, Mr. Andrew Bobola was present at the hearing and told the Board that this is a pretty straight forward proposal that meets the criteria for the granting of a

Special Permit. He stated that the addition is under construction but needs the Boards approval in order for

WOODS/BOA CASE #1165

RECORD OF PROCEEDINGS/PAGE

TWO

this project to continue.

The applicant's property is shown as Plot 14, Lot 61, containing 31,751 square feet in area, having frontage of approximately 200 feet. The lot is located in the Waterfront 30 (W-30) Zoning District.

Dolores Rodrigues, an abutter was present at the hearing and was interested in seeing where this property was located in relation to her lot which is lot 73. After reviewing the plans Ms. Rodrigues had no concerns with the proposal. There were no other abutters present who spoke either in favor or against the proposal. Further, the Board did not receive any correspondence from abutters or parties of interest regarding this case.

The following Exhibits were entered into the record during the public participation phase of

Board of Appeals Case #1165:

Exhibit "A" – Site Plan

Exhibit "B" – Assessors Map

Exhibit "C" – Assessors Field Card

Exhibit "D" – Conservation Commission Approval

Exhibit "E" – Copy of Previous Board of Appeals Decision (#1115)

Exhibit "F" – Construction Plans

Exhibit "G" – Photograph

The public participation phase of Board of Appeals Case #1165 closed to testimony at 6:10

P.M. The deliberation phase of Board of Appeals Case #1165 opened at 6:11 P.M. and after much discussion and upon motion duly made and seconded, the Board voted unanimously to GRANT the

WOODS/BOA CASE #1165

RECORD OF PROCEEDINGS/PAGE

THREE

Special Permit to the applicants.

The Board members found that this proposal will not be detrimental to the neighborhood nor the Town and will be in keeping with the intent of the Zoning By-Laws. Further it will have no adverse effects on the social, economic or community needs and will have no adverse traffic flow or problems.

Chairperson Chase stated that Board of Appeals Case #1165 would be continued to Tuesday, February 23, 2010 for the sole purpose of signing a written Decision.

On Tuesday, February 23, 2010 Chairperson Chase called to order BOA Case #1165 and all members being present they proceeded to sign the written decision in the form presented.

The hearing adjourned at 6:00 P.M.

Chairperson

Jeffrey R. Chase

TOWN OF MATTAPOISETT
BOARD OF APPEALS

Application of)
Stephen S. & Leigh R. Oler)
18 Monadnock Road)
Wellesley, MA 02481) BOA CASE #1166
relating to property located)
at 25 Grand View Avenue)

RECORD OF PROCEEDINGS

The public hearing in BOA Case #1166 was called to order by Chairperson Chase on February 18, 2010. Chairperson Chase explained the practice and procedures of the Board. Chairperson Chase stated that the members of the Board to hear and determine this case were Chase, Brogan, Akin, Lyonnais and DesLandes. Board member Akin read the application as filed with the Town Clerk on January 26, 2010.

At the beginning of the hearing, the Board members voted unanimously to amend the application from a Variance under Section 3.1.2.2 to a Special Permit under Sections 3.1.2.2 and 3.1.2.3 of the Zoning By-Laws.

Mr. David Davignon of N. Douglas Schneider & Associates, Inc., engineers for the applicants addressed the Board in their request for a Special Permit. Mr. Davignon began by stating that the Board had previously granted a Special Permit to demolish this existing dwelling and reconstruct a larger dwelling. The present structure is under construction and additionally under new ownership. Mr. Davignon stated that in the previous Board of Appeals application the plans did not include space for central air conditioning. Therefore, the applicants are before the Board to construct a 3' x 8' cantilevered shelf to house the central air conditioning unit. It is noted that the dwelling falls

TWO

within a special flood zone which does not allow for any utilities under the base flood elevation.

The addition will be hidden by a railing system in order to be more aesthetically pleasing.

The Building Inspector, Mr. Andrew Bobola spoke at the hearing and told the Board that this is a pretty straight forward proposal that meets the criteria for the granting of a Special Permit.

The applicant's property is shown as Plot 15B, Lot 77, containing 6,264 square feet in area, having frontage of approximately 80 feet. The lot is located in the Waterfront 30 (W-30) Zoning District.

There were no abutters or parties of interest present at the hearing who spoke either in favor or against the proposal. Further, the Board did not receive any correspondence from abutters or parties of interest regarding this case.

The following Exhibits were entered into the record during the public participation phase of

Board of Appeals Case #1166:

Exhibit "A" – Site Plan

Exhibit "B" – Assessors Map

Exhibit "C" – Assessors Field Card

Exhibit "D" – Board of Health Approval

Exhibit "E" – Conservation Commission Approval

Exhibit "F" – Elevations & First Floor Plan

Exhibit "G" – Photographs

The public participation phase of Board of Appeals Case #1166 closed to testimony at 6:24

P.M. The deliberation phase of Board of Appeals Case #1166 opened at 6:24 P.M. and after much

OLER/BOA CASE #1166

RECORD OF PROCEEDINGS/PAGE

THREE

discussion and upon motion duly made and seconded, the Board voted unanimously to GRANT the

Special Permit to the applicants.

The Board members found that this proposal will not be detrimental to the neighborhood nor the Town and will be in keeping with the intent of the Zoning By-Laws. Further it will have no adverse effects on the social, economic or community needs and will have no adverse traffic flow or problems.

Chairperson Chase stated that Board of Appeals Case #1166 would be continued to Tuesday, February 23, 2010 for the sole purpose of signing a written Decision.

On Tuesday, February 23, 2010 Chairperson Chase called to order BOA Case #1166 and all members being present they proceeded to sign the written decision in the form presented.

The hearing adjourned at 6:00 P.M.

Chairperson

Jeffrey R. Chase

TOWN OF MATTAPOISETT
BOARD OF APPEALS

Application of)
Scott & Jana Baroa)
35 Fairhaven Road)
Mattapoisett, MA 02739) BOA CASE
#1167)
relating to property located)
at 35 Fairhaven Road)

RECORD OF PROCEEDINGS

The public hearing in BOA Case #1167 was called to order by Chairperson Chase on February 18, 2010. Chairperson Chase explained the practice and procedures of the Board. Chairperson Chase stated that the members of the Board to hear and determine this case were Chase, Brogan, Akin, Lyonnais and DesLandes. Board member Akin read the application as filed with the Town Clerk on January 27, 2010.

The applicants were present at the hearing and addressed the Board in their request for a Special Permit to construct an addition that will not meet the required setbacks. The applicants are proposing to construct a 12.5' x 28' addition as well as a 2' x 14' addition which does not require Board of Appeals approval. Mr. Baroa stated at the hearing that the addition will be used as a bedroom along with a closet for his wife and a bathroom for his daughter.

The applicant's property is shown as Plot 17, Lot 104 on the Assessors records containing 12,900 square feet in area, having frontage of approximately 80 feet. The lot is located in the Rural Residence 45 (RR-45) Zoning District.

There were no abutters present at the hearing who spoke neither in favor nor in opposition to the proposal. Further, the Board did not receive any correspondence from abutters or parties of

TWO

interest regarding this case.

Inspector of Buildings, Andrew J. Bobola stated that the applicants are before the Board for the 12.5'x 28' addition only. The smaller addition can be built as a matter of right. Mr. Bobola stated that he has no problem with the proposal and feels that it is pretty much straight forward.

The following Exhibits were entered into the record during the public participation phase of

Board of Appeals Case #1167:

Exhibit "A" – Site Plan

Exhibit "B" – Assessors Map

Exhibit "C" – Assessors Field Card

Exhibit "D" – Board of Health Approval

Exhibit "E" – Conservation Commission Approval

Exhibit "F" – Construction & Elevation Plans

Exhibit "G" – Photographs

The public participation phase of Board of Appeals Case #1167 closed to testimony at 6:35

P.M. The deliberation phase of Board of Appeals Case #1167 opened at 6:36 P.M. and after much discussion and upon motion duly made and seconded, the Board voted unanimously to GRANT the

Special Permit to the applicants.

The Board members found that this proposal will not be detrimental to the neighborhood nor the Town and will be in keeping with the intent of the Zoning By-Laws. Further it will have no adverse effects on the social, economic or community needs and will have no adverse traffic flow or problems.

BAROA/BOA CASE #1167

RECORD OF PROCEEDINGS/PAGE

THREE

Chairperson Chase stated that Board of Appeals Case #1167 would be continued to Tuesday, February 23, 2010 for the sole purpose of signing a written Decision.

On Tuesday, February 23, 2010 Chairperson Chase called to order BOA Case #1167 and all members being present they proceeded to sign the written decision in the form presented.

The hearing adjourned at 6:00 P.M.

Chairperson

Jeffrey R. Chase