

TOWN OF MATTAPOISETT
BOARD OF APPEALS

_____)	
Application of)	
6 Water Street, LLC)	
James Kay, Manager)	
7 Mechanic Street)	
Mattapoisett, MA 02739)	BOA CASE #1180
relating to property located)	
at 6 Water Street)	
_____)	

RECORD OF PROCEEDINGS

The public hearing in BOA Case #1180 was called to order by Acting Chairperson Brogan on June 17, 2010. Acting Chairperson Brogan explained the practice and procedures of the Board. Acting Chairperson Brogan stated that the members of the panel to hear and determine this case were Akin, Milott, Lyonnais and Deslandes. Board member Akin read the application as filed with the Town Clerk on May 27, 2010.

The applicant was present at the hearing but was represented by Attorney Daniel Perry who addressed the Board in their request to amend prior Board of Appeals Decision #760. Attorney Perry stated that his client is asking for relief from a prior Decision that states that any change of tenancy at the above property must come before the Board. Attorney Perry stated that his client would simply like to add another commercial business on the first floor, thus going from one existing business to two on the first floor and a residential apartment on the second floor. Further, Mr. Kay through attorney Perry is asking to use the first floor as retail/professional use or any other use in accordance with the Mattapoisett's Zoning By-Laws.

Attorney Perry stated that his client has enough area for nine (9) parking spaces for this proposed use. Andrew J. Bobola, Inspector of Buildings also present at the hearing stated that only

TWO

six (6) parking spaces are required for this change in use.

It is noted that currently part of the first floor is being used by a seafood broker and the second floor as a residential apartment. The second floor will remain as such while the applicant is asking to add a second use on the first floor. Attorney Perry gave a brief history of the retail use of this building from a coffee shop to retail stores and the like.

There were no abutters present at the hearing who spoke either in favor or in opposition to the proposal. However, the Board did receive a letter from Randy and Daune Smith in favor of the proposal.

The following Exhibits were entered into the record during the public participation phase of Board of Appeals Case #1180:

Exhibit "A" – Letter from Attorney Daniel Perry dated 5/27/2010

Exhibit "B" – Site Plan

Exhibit "C" – Parking Plan

Exhibit "D" – Assessors Field Card

Exhibit "E" – Assessors Map

Exhibit "F" – Copy of Decision (338) filed with the Town Clerk on 4/7/87

Exhibit "G" – Copy of Record of Proceedings for Board of Appeals Case (338)

Exhibit "H" - Copy of Board of Appeals Decision #760 filed on 4/26/96

Exhibit "I" – Copy of Record of Proceedings #760

Exhibit "J" – Photographs

Exhibit "K" – Letter from Randy & Daune Smith in favor of the proposal

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THREE

The public participation phase of Board of Appeals Case #1180 closed to testimony at 7:21 P.M. The deliberation phase of Board of Appeals Case #1180 opened at 7:41 P.M. and after discussion and upon motion duly made and seconded, the Board voted unanimously to GRANT the Special Permit to the applicant.

The Board members found that the applicant's proposal will not be more detrimental to the neighborhood nor the Town. Acting Chairperson Brogan stated that Board of Appeals Case #1180 would be continued to Tuesday, June 22, 2010 for the sole purpose of signing a written Decision.

On Tuesday, June 22, 2010 Acting Chairperson Brogan called to order BOA Case #1180 and all members being present they proceeded to sign the written decision in the form presented.

The hearing adjourned at 6:00 P.M.

Acting Chairperson

Mary Anne Brogan