

TOWN OF MATTAPOISETT
BOARD OF APPEALS

_____)	
Application of)	
Laima I. Zarins)	
6 Charles River Square)	
Boston, MA 02114)	BOA CASE #1182
relating to property located)	
at 3 Ship Street)	
_____)	

RECORD OF PROCEEDINGS

The public hearing in BOA Case #1182 was called to order by Chairperson Chase on August 19, 2009. Chairperson Chase explained the practice and procedures of the Board. Chairperson Chase stated that the members of the panel to hear and determine this case were Chase, Brogan, Akin, Milott and Pacheco. Board member Akin read the application as filed with the Town Clerk on July 29, 2010.

The applicant was present at the hearing and was represented by Douglas Schneider of Schneider Engineering Associates in Mattapoisett, MA in her request for a Special Permit. Mr. Schneider stated that his client would like to demolish her existing structure and rebuild a new, single family dwelling. Further, the applicant is asking the Board to use the grandfathered setbacks in the reconstruction of her new dwelling. The grandfathered setbacks for any dwelling built prior to 1973 in this zoning district are those of Residence 20 (R-20) which are 35 feet from the street, 30 feet from the rear and 20 feet from the sides.

The applicant's property is shown on Plot 8, Lot 78 on the Assessors Map. It contains approximately 19,900 square feet in area with frontage of 303.15. The lot and dwelling are located in the Residence 30 (R-30) Zoning District and are lawfully non-conforming. It is further recorded

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in the Plymouth Registry of Deeds Book 9442, Page 9.

Mr. Schneider also stated that the proposal will include a detached garage to be located on the north side of the proposed dwelling. Chairman Chase asked Mr. Schneider about the percentage of the lot coverage and Mr. Schneider stated that the lot coverage will be approximately 14.8 feet and the height will be approximately 27 feet, which is under the 35 feet height restriction in Mattapoisett. The proposed dwelling will have three (3) bedrooms and be located in the same general location as the existing dwelling and will improve the setbacks on the westerly, easterly and southerly direction. The applicants have received approval from Conservation Commission for the construction of their new home which will be constructed on a crawlspace type foundation in accordance with FEMA rules and regulations within a flood zone.

There were no abutters present at the hearing who spoke either in favor or in opposition to the proposal. However, the Board received written correspondence from Patricia and Kelly McLaughlin of 6 Shipyard Lane, abutters in favor of the proposal to this Special Permit which has been entered as an Exhibit in the file.

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

Board of Appeals Case #1159:

Exhibit "A" – Site Plan

Exhibit "B" – Color Coded Site Plan

Exhibit "C" – Assessors Map

Exhibit “D” – Assessors Field Card

Exhibit “E” – Conservation Commission Approval

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Exhibit “F” – Construction Plans

Exhibit “G” – Existing Photographs of the Dwelling

Exhibit “H” – Renderings of the Proposed Dwelling

Exhibit “I” – Letter from Patricia & Kelly McLaughlin in support

Exhibit “J” – Letter in support from James Parker

Exhibit “K” – Letter in support signed by several neighbors

The public participation phase of Board of Appeals Case #1182 closed to testimony at 7:00 P.M. The deliberation phase of Board of Appeals Case #1182 opened at 7:01 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 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 in accordance with Sections 7.2.2.2.1 through 7.2.2.2.7 of the Zoning By-Laws. In addition, the Board stated that there have been other cases before them asking for permission to use the grandfathered setbacks after demolition which have been granted.

Chairperson Chase stated that Board of Appeals Case #1182 would be continued to Tuesday, August 24, 2010 for the sole purpose of signing a written Decision.

On Tuesday, August 24, 2010 Chairperson Chase called to order BOA Case #1182 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