



Town of Dartmouth

MASSACHUSETTS

ZONING BOARD OF APPEALS AGENDA

July 26, 2011

PUBLIC HEARINGS

Variance portion of this hearing continued from June 21, 2011

(Amendment to Special Permit #2011-03 was granted to allow on site tower relocation)

6:00 P.M. Petitioner: T-Mobile Northeast LLC

Owners: Victor & Natalie Reis

476 Hixville Road

Limited Industrial District

Case #2011-17

The Petitioner is seeking a Variance from Zoning By-law Section 14.408 requiring underground utility services in the Limited Industrial District. Due to the presence of wetlands on and near the site, the Town's Conservation Commission would not approve underground utilities at this location, so the petitioner is seeking permission to allow overhead utilities.

(Section 14.302-Telecommunication Facilities and Section 14B.408-Development Standards in a Limited Industrial District)

MAP: 62 LOT: 10

Continued from June 21, 2011

6:15 P.M. Petitioner: Wassim Chedid

839 State Road (Lizzie's Liquors)

General Business and Aquifer Protection District

Case #2011-18

The Petitioner is seeking a Variance pursuant to the Zoning By-laws of the Town of Dartmouth Section 26.200 for relief from the maximum area allowed for an accessory structure of 200 s.f. The petitioner is seeking to construct a cooler with an area of 600 s.f. to the rear of the existing building. The petitioner is also seeking a Variance pursuant to Section 20.510 of the Zoning By-law for lot coverage in the Aquifer Protection District. The property is located at 839 State Road in the General Business and Aquifer Protection District.

(Section 26.200 – Minimum Setback Dimensions and Section 20.510 – Lot Coverage above Ten Percent)

MAP: 163 LOT: 12

6:30 P.M. Petitioner: Eye Man Limited Partnership
51 State Road
General Business and Single Residence A
Case #2011-23

The Petitioner is seeking Amendments to previously approved Variances and Special Permits to allow the alteration of an existing medical office building to create 312 square feet of office space, and 163 square feet of unheated storage space. No expansion to the existing footprint or height of the building is being proposed, however the increase in office space triggers the need for two (2) additional parking spaces. The Petitioner is seeking a Variance from the requirement for two (2) additional parking spaces, or a Variance to allow a reduction in the parking setback requirements to create two (2) additional parking spaces. The property is located at 51 State Road, Dartmouth, MA in a General Business/Single Residence A District.

(Section 16 – Off Street Parking Regulations)

MAP: 169 LOT: 238, 240, 244

6:45 P.M. Petitioner: The Claremont Companies
Owner: Sol-E-Mar 2 Associates
Sol-E-Mar 2; Sun and Sea Drive
General Residence
Case #2011-25

The Petitioner is seeking an Amendment to an existing Variance to allow the construction of a 42 ft. X 47 ft. Community Building with full basement to serve residents occupying the 124 elderly units located in Sol-E-Mar 2. The request includes the addition of a pedestrian walkway system to provide an accessible path to the Community Building for all the residents. The proposed Community Building's upper level will contain a meeting room for residents, offices for staff, and toilet facilities. The lower level will be used for storage. The property is owned by Sol-E-Mar 2 Associates c/o the Claremont Companies and located at Sol-E-Mar 2, Sun and Sea Drive, Dartmouth, MA in the General Residence District.

(Section 5 – General Residence, Section 36 – Board of Appeals)

MAP: 129 LOT: 20

Continued from May 24, 2011 – Original hearing date 8/3/10

7:00 P.M. Petitioner: Stephen & Joanne Cabral
Stephen's Styling, Inc.
8 Champion Terrace
Gen. Residence A, Gen. Business, Aquifer Protection
Case #2010-19

The Petitioners are seeking an Administrative Appeal from the Letter of Violation and Order to Cease, Desist and Abate by the Director of Inspectional Services, Joel S. Reed. Petitioners are asking to continue the use as Stephen & Co. Hair Designers. The property is located at 8 Champion Terrace in a General Business District.

(Section 27.501 – Appeal)

MAP: 168 LOT: 19

7:15 P.M. Petitioner: Stephen & Joanne Cabral
Stephen's Styling, Inc.
8 Champion Terrace
Gen. Residence A, Gen. Business, Aquifer Protection
Case #2011-26

The Petitioners are seeking an Amendment to the Variance issued in 1984 regarding parking requirements. The Petitioners are proposing a new parking plan for the Board of Appeals to consider, which does not meet the Off Street Parking Plan Regulations outlined in Section 16 of the Town of Dartmouth's Zoning By-laws. Variances are required to allow parking in a district in which the use is not allowed, relief from the setback requirements, relief from the end stall width, and relief from the 12' wide landscaped islands at the end of parking spaces requirement. The Petitioners are also proposing off-site parking for employees, which requires a Special Permit. As the property is in the Aquifer Protection District, a Variance is required as this property exceeds the 10% maximum impervious area. A Variance from the percentage of lot coverage is also being requested. The Petitioners are seeking to clarify the number of parking spaces required as the By-law requires 3 parking spaces per operator's station. If the Board finds that the number of parking spaces exceeds the number of spaces provided, the Petitioners are seeking a Variance from the number of spaces required. The property is located at 8 Champion Terrace, Dartmouth, MA in a General Residence A, General Business, and Aquifer Protection District.

(Section 16.104B-Parking located in district in which the use is not allowed; Section 16.202B-15' setback from residential property lines required, 4' is proposed; Section 16.202C-5' setback from building to drive aisle and to a parking space is required, 1' is provided in one location; Section 16.203A-End stalls are required to be 10' wide, 9' is provided; Section 16.204A-12' wide landscaped islands at end of parking spaces are required, 1' is provided in one location; Section 16.202A-Location of facilities; Section 25.510-10% maximum impervious area is allowed in aquifer protection district; Section 16.201A-Define number of operator's stations; Section 16.201-Number of spaces required; Section 25.200 and 4B.406-Percentage of lot coverage)

MAP: 168 LOT: 19

7:30 P.M. Alan Mercer, President, Smith Mills Christian Congregational Church
11 Anderson Way
Single Residence B, Aquifer Protection
Case #2011-27

The Petitioner is seeking an Amendment to modify an existing Variance. The Petitioner is seeking to allow twenty (20) of the existing parking spaces located in a Single Residence B zone to be used for an off-site business, Stephen's Styling, Inc., when they are not needed by the church. A Change of Use Variance is also being requested to allow commercial parking in a district in which the use is not allowed. The property is located at 11 Anderson Way, Dartmouth, MA in the Single Residence B/Aquifer Protection District.

(Section 16.202 – Location of Facilities; Section 16.104B – Parking Facility)

MAP: 168 LOT: 24

ADMINISTRATIVE

Approval of Minutes