



Town of Dartmouth

MASSACHUSETTS

ZONING BOARD OF APPEALS AGENDA

October 25, 2011

REVISED

PUBLIC HEARINGS

6:15 P.M. Petitioner: Frank de Figueiredo
Owner: Antonio and Maria Pacheco
150 Horseneck Road
Single Residence B District
Case #2011-32

The petitioner is seeking a Special Permit pursuant to Section 4B.302 of the Zoning By-laws. The petitioner is proposing to construct a 51' X 60' barn with private septic and water. The property is located at 150 Horseneck Road, Dartmouth, MA and owned by Antonio and Maria Pacheco in the Single Residence B District.

(Section 4B.302 – Accessory Buildings or Structures with Kitchen or Bathroom Facilities)

MAP: 23 LOT: 58

6:30 P.M. Mark Nunes
280 Slocum Road
Single Residence A District
Case # 2011-36

The petitioner is seeking a Variance to allow the foundation to remain where it is located (20'6" from the northern side property line). The petitioner is seeking to allow the sideyard setback to be measured to the foundation rather than to the roof gutter. The Building Inspector has determined that the roof overhang of the single-family dwelling under construction will encroach on the 20' setback requirement, and therefore a Variance is required pursuant to Section 4A.404B of the Town's Zoning By-Laws – Setbacks. The property is located at 280 Slocum Road, Dartmouth, MA in a Single Residence A District.

MAP: 150 LOT: 66-5

6:35 P.M. Petitioner: Peter C. Bullard, Esq.
Owner: James M. Kittler, Trustee of the Fountain Trust
1 Mattarest Lane
Single Residence B District
Case #2011-39

The petitioner is seeking a Special Permit Pursuant to 4B.302 of the Town's Zoning By-Laws to allow the construction of a 2-story garage (accessory building) with 1 bedroom, 1 sink, 1 toilet and 1 shower all on the 2nd floor. The property is owned by James M. Kittler, Trustee of the Fountain Trust and located at 1 Mattarest Lane, Dartmouth, MA in a Single Residence B District.

(Section 4B.302 – Accessory Buildings or Structures with Kitchen or Bathroom Facilities)

MAP: 95 LOT: 11

6:45 P.M. Michael Panagakos
299 State Road
General Business/Aquifer Protection
Case #2011-39

The petitioner is seeking a Special Permit to allow the expansion or modification of a non-conforming use in the Aquifer Protection District. The petitioner is proposing to redevelop the property by demolishing the existing residential structure, expanding the commercial building (formerly Liberty Travel), and reconstructing the parking facility. The property is located at 299 State Road, Dartmouth, MA in the General Business and Aquifer Protection District and owned by Broad Street Trust.

MAP: 167 LOT: 36 & 37

(Section 20.600 – Special Permit Uses; 20.601A –Expansion or modification of a non-conforming use)

7:00 P.M. Cumberland Farms, Inc.
540 Dartmouth Street & 142 Rockdale Avenue
General Business District
Case #2011-35

The petition of Cumberland Farms, Inc. for property located at 540 Dartmouth Street on which it operates a convenience store and gasoline sales facility. The petitioner is proposing to purchase the abutting property located at 142 Rockdale Avenue to allow for the demolition of buildings on both parcels paving the way for a new convenience store and gas operation. Variances from the Town's Zoning By-laws are required. Section 11.406 – 65% maximum impervious lot coverage allowed with 73.6% lot coverage being proposed (existing site has 97.5% coverage). Section 26.200 – Location of the canopy

proposed at 29.76' from the front yard setback where 40' is required. Section 22.400 – Minimum lot area requirement of 43,560 square feet, 37,070 square feet proposed. Section 16.401 – Location and width of driveway not closer than 10' from the side lot line, proposed southerly curb cut on Dartmouth Street to be at 6.8'. A Special Permit is needed pursuant to Section 16.203(D) to allow a modification of the two curb cuts on Dartmouth Street. The petitioner proposes to retain the existing curb cut at the southerly end of the parcel on Dartmouth Street and relocate the existing 63.1' curb cut near the intersection of Rockdale Avenue, moving it away from the intersection and reducing it to a width of 30'. A Special Permit pursuant to Section 11.301 was granted in 1981 for gasoline use. The petitioner is requesting an extension of that Special Permit. Both lots are located in the General Business District. Map: 145 Lots: 44 and 64

7:15 P.M. Mill Valley Development, LLC
Fairway Drive/Bayberry Lane
Single Residence B District
Case #2011-37

The petitioner is seeking to Amend previously approved Zoning Board Decisions of the 4 phase condominium project known as Mill Valley Estates. The petitioner is requesting approval of plans for downsized/less expensive condo buildings for phases 2, 3 & 4 of this project. The petitioner is also proposing to eliminate 2 of the 12 condominium units currently permitted and to eliminate the surplus driveway shown in the approved plan for Phase 2. The property is located on Fairway Drive – Bayberry Lane, Dartmouth, MA in the Single Residence B. District.

Map: 43 Lots: 13, 13-6, 13-7, 13-9, 13-10, 13-11

(Section 36.200 – Amend Variances; Section 38 – Permission of the Board of Appeals)

ADMINISTRATIVE

Approval of Minutes