



OFFICE OF THE ZONING
BOARD OF APPEALS

Town of Dartmouth

400 Slocum Road - Room 317
Dartmouth, Massachusetts 02747

Tel: (508) 910-1868
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MINUTES – January 8, 2013

Case #2013-40

Laurence Walsh
4 Old Wharf Road
MAP: 100 LOT: 24

PRESENT

The Board: Chairman Michael Travers, Jacqueline Figueiredo, and Jay Peabody

Absent

Peter Smola

Alternate Board Members Halim Choubah and John George, Jr.

Also Present

Laurence Walsh, Architect – Representing Elizabeth Pantaleoni

7:20 P.M. Chairman opened the hearing

LEGAL AD

Notice is hereby given of a public hearing to be held on Tuesday, January 8, 2013 at 6:45 P.M. in Meeting Room #304, Town Office Building, 400 Slocum Road, Dartmouth, MA on the petition of Laurence S. Walsh who is seeking a Special Permit to allow a three foot deck expansion and the construction of a screened in porch on the east side of the home, and to add a four foot deck across the front and to the west side of the home to join the existing rear porch. The property is located at 4 Old Wharf Road, Dartmouth, MA in the Single Residence B District and identified on Assessor's Map 100 as Lot 24. Information is on file in the office of the Zoning Board of Appeals and may be seen upon request during regular business hours.

(Section 3B–Non-Conforming Uses, Structures, and Lots; Section 38 –Board of Appeals)

ADVERTISED

This hearing was advertised in the Chronicle on Wednesday, December 19, 2012 and Wednesday, December 26, 2012.

ABUTTER'S LIST

A certified abutter's list is available for review. Jay Peabody motioned to waive reading the list into the record, which was seconded by Jacqueline Figueiredo, and made unanimous by Chairman Travers.

Unanimous vote. Motion passed.

RECEIVED
2013 FEB - 7 P 3:11
DARTMOUTH TOWN CLERK

CORRESPONDENCE RECEIVED

- Application time-stamped with the Town Clerk on December 6, 2012
- Architectural and Site Plans
- 2006 Board of Appeals Decision and Minutes
- Letter from Donald Perry, Planning Director, to the Board of Appeals dated January 2, 2013

Chairman Travers read into the record:

- Letter from Donald Perry, Planning Director, to the Board of Appeals dated January 2, 2013
(The Board noted that Donald Perry referenced a Variance in his letter, but it should state Special Permit)

Paul Murphy, Town Zoning Enforcement Officer, determined that the required relief for the proposed construction is a Special Permit.

The Board discussed the application to determine if a Special Permit was all that was needed, or if a Variance would also be required. The Board determined that a Special Permit was sufficient.

The Board discussed the 2006 ZBA Decision, noting relief was granted to allow a cabin to be relocated.

Chairman Travers invited the Petitioner or representative to present the case.

Laurence Walsh, Architect

Submitted a copy of the Easement and License Agreement recorded on Bk 8053 Pg 135. Reviewed the proposal, explaining that the subject property consists of a non-conforming lot with non-conforming structures. Stated that all proposed construction is within the property lines, and not on any paper street.

The Board discussed the triangular shaped lot, and the portion of the deck constructed on the paper street. The Board determined that the proposed construction is visually appealing, with no impact to abutting properties, and will maximize views for the home owner.

The Board found that the proposed construction is not more detrimental to the neighborhood than the existing non-conforming structure.

Chairman Travers invited public comment. No public comment was received.

Jacqueline Figueiredo motioned to close the public portion of the hearing, which was seconded by Jay Peabody, and made unanimous by Chairman Travers. Unanimous vote. Motion passed.

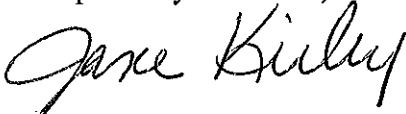
Jacqueline Figueiredo motioned to approve the Special Permit, with the following conditions:

- Enclosures will not be turned into additional residential units
- As-built plan to be submitted to the ZBA for the record

This motion was seconded by Jay Peabody, and made unanimous by Chairman Travers. Unanimous vote. Motion passed.

7:45 P.M. Hearing adjourned

Respectfully submitted,



Jane Kirby, Principal Clerk
For the Zoning Board of Appeals

APPROVED
2-5-13