



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 #2012-39

Sandra Perry  
75 Potter Street  
MAP: 138      LOT: 142

#### PRESENT

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

#### Absent

Peter Smola  
Alternate Board Members Halim Choubah and John George, Jr.

#### Also Present

Sandra Perry  
Crystal Medeiros – Abutter, 87 Potter Street  
Lynne Medeiros – Abutter, 91 Potter Street  
Kathleen Morais – Abutter, 83 Potter Street  
Christopher Resendes – Abutter, 80 Potter Street

**6:35 P.M. Chairman Travers opened the hearing**

#### LEGAL AD

Notice is hereby given of a public hearing to be held on Tuesday, January 8, 2013 at 6:30 P.M. in Meeting Room #304, Town Office Building, 400 Slocum Road, Dartmouth, MA on the petition of Sandra J. Perry who is seeking a Variance pursuant to Section 5.407 of the Town's Zoning By-laws to allow the existing curb-cut to remain for parking a 33' motor home off the street. The property is located at 75 Potter Street, Dartmouth, MA in the General Residence District and identified on Assessor's Map 138 as Lot 142. Information is on file in the office of the Zoning Board of Appeals and may be seen upon request during regular business hours.

(Section 5.407 – Parking and Driveways; Section 36 – Board of Appeals )

#### ADVERTISED

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

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

### **ABUTTER'S LIST**

A certified abutter's list is available for review.

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

Unanimous vote. Motion passed.

### **CORRESPONDENCE RECEIVED**

- Application time-stamped with the Town Clerk on November 21, 2012
- Letter of Violation from David Brunette, Local Building Inspector, dated October 22, 2012
- Letter from Donald Perry, Planning Director, dated January 2, 2013
- Letter of support from Christopher Resendes, 80 Potter Street, marked received 1/8/13

Chairman Travers read into the record:

- Letter from Donald Perry, Planning Director, dated January 2, 2013
- Letter of support from Christopher Resendes, 80 Potter Street, marked received 1/8/13

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

### **Sandra Perry**

Requesting permission to allow the existing curb cut to remain as constructed.

Purpose:

To park 33' motor home off-street and on their property

Explained that when the motor home was parked where the garage curb cut is, it blocked the view of that neighbor, and a portion of the motor home stuck out onto the sidewalk.

Noted that arborvitaes are on the other property line, which create a buffer for that neighbor.

Stated that where the motor home is parked now is the best and safest location, noting it would be a safety hazard if forced to park on the street.

Stated that the motor home has been parked for 5 years +/- in the same location. Explained that the curb was deteriorating as a result of parking the motor home in the side yard, due to the weight of the RV, which is the reason why a friend created an asphalt ramp for them.

Chairman Travers invited public comment.

The following abutters spoke in favor of the Variance request:

Crystal Medeiros, Abutter – 87 Potter Street  
Lynne Medeiros, Abutter – 91 Potter Street

The following abutter spoke in opposition:

Kathleen Morais, Abutter – 83 Potter Street

No further 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.

Board discussion ensued in terms of the requested Variance. The Board felt that parking the motor home off street was safer than having it parked on the narrow street. The Board also discussed ways to reduce impervious lot coverage.

The Board made the following determinations:

- Soil, shape, and topography
  - Shape and size of the lot (4,000 s.f.) and location of existing structure leave no alternative location for RV
- Literal enforcement of the by-law prevents Petitioner from keeping RV on property for recreational use
- Not detrimental to the neighborhood
  - Off-street parking safer storage for the RV
- Will not nullify or derogate from the intent of the by-law
  - Parking of vehicles best off street

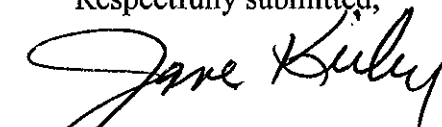
Conditions:

- No expansion of existing curb cut
- No expansion of impervious area
- If RV or house sold, curb cut and grass areas restored

Jacqueline Figueiredo motioned to approve the Variance with conditions, which was seconded by Jay Peabody, and made unanimous by Chairman Travers. Unanimous vote. Motion passed.

**7:15 P.M. Hearing adjourned**

Respectfully submitted,

  
Jane Kirby, Principal Clerk  
For the Zoning Board of Appeals

**APPROVED**  
2-5-13