



OFFICE OF THE ZONING  
BOARD OF APPEALS

# Town of Dartmouth

400 Slocum Road - Room 317  
Dartmouth, Massachusetts 02747

Tel: (508) 910-1868  
Fax: (508) 910-1833

## MINUTES – January 8, 2013

### Case #2012-41

Fernando & Julie Barcelos  
23 Emerald Drive  
Dartmouth, MA  
MAP: 130 LOT: 13

#### 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

Fernando and Julie Barcelos

Kenneth R. Ferreira, R.L.S., P.E. – Kenneth R. Ferreira Engineering

**7:50 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 7:00 P.M. in Meeting Room #304, Town Office Building, 400 Slocum Road, Dartmouth, MA on the petition of Fernando and Julie Barcelos who are seeking to a Variance to allow the construction of a two-story, two car garage with a front yard setback of 28 feet where 30 feet is required by zoning. The property is located at 23 Emerald Drive, Dartmouth, MA in the Single Residence A District and identified on Assessor's Map 130 as Lot 13. Information is on file in the office of the Zoning Board of Appeals and may be seen upon request during regular business hours.

(Section 36 – Board of Appeals; Section 4A.404 – Setbacks)

#### ADVERTISED

Advertised in the Dartmouth 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.

DARTMOUTH TOWN CLERK

2013 FEB - 7 P 3:11

RECEIVED

## **CORRESPONDENCE RECEIVED**

- Application time-stamped with the Town Clerk on December 11, 2012 with attached brief signed by Kenneth Ferreira, R.L.S., P.E.
- Site and Architectural Plans
- Abutter support signature sheet signed by:
  - Lorraine E. Granda – 27 Emerald Drive
  - Janice Ribeiro – 28 Emerald Drive
  - Christina Jorge – 31 Emerald Drive
  - Philip J. Silva – 24 Emerald Drive
  - Mary Mota – 17 Emerald Drive
  - Kathleen Souza – 6 Topaz Lane
- Letter from Donald Perry, Planning Director, dated January 2, 2013

Chairman Travers read into the record:

- Letter from Donald Perry, Planning Director, dated January 2, 2013

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

### **Kenneth Ferreira**

Reviewed the proposal, noting that in order to construct a typical garage for the existing home, a setback Variance is required. Section 4A.404 under exemptions requires a 30' front yard setback, and the garage is proposed with a 28.2' setback. Noted that the proposed deviation is inconsequential, and a literal enforcement of the by-law would result in the loss of usable space.

The Board discussed the proposed construction in detail, and determined that it is indeed a minor deviation and not detrimental to the neighborhood.

Chairman Travers invited public comment. None 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.

The Board made the following findings:

- Corner lot, size of lot, and unique location of existing structure
- Minor deviation from by-law
- Literal enforcement would result in unnecessary loss of usable space
- Not detrimental to the neighborhood
- Additional findings from brief attached to application

Jay Peabody motioned to grant the Variance with the following conditions:

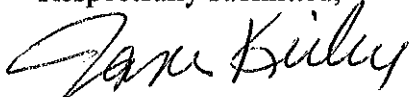
- Adhere to Town Standards
- Plans of Record

This motion was seconded by Jacqueline Figueiredo, and made unanimous by Chairman Travers.

Unanimous vote. Motion passed.

**8:00 P.M. Hearing adjourned**

Respectfully submitted,



Jane Kirby, Principal Clerk  
For the Zoning Board of Appeals

**APPROVED**  
2-5-13