



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 – February 26, 2013

Case #2013-06

Petitioner: Luis Teixeira

Owner: Judith Teixeira

12 Sol-E-Mar Street

Map: 129 Lot: 51

PRESENT

The Board: Chairman Michael Travers, Jacqueline Figueiredo, and John George, Jr.

Absent

Peter Smola

Alternate Board Members Jay Peabody and Halim Choubah

Also Present

Luis Teixeira

Judith Teixeira

6:55 P.M. Chairman opened the hearing

LEGAL AD

Notice is hereby given of a public hearing to be held on Tuesday, February 26, 2013 at 6:45 P.M. in Meeting Room #304, Town Office Building, 400 Slocum Road, Dartmouth, MA on the petition of Luis Teixeira who is seeking a Special Permit to allow the completion of a 2-story garage currently under construction. The property is located at 12 Sol-E-Mar Street in the General Residence District and identified on Assessor's Map 129 as Lot 51. Information is on file in the office of the Zoning Board of Appeals and may be seen upon request during regular business hours. (By-Law Section 38 – Permission of the Board of Appeals; Section 5 – General Residence Districts; Section 5.404 – Setbacks; Section 5.405 – Height)

ADVERTISED

This hearing was advertised in the Chronicle on February 6, 2013 and February 13, 2013.

ABUTTER'S LIST

A certified abutter's list is available for review.

Jacqueline Figueiredo motioned to waive reading the list into the record, which was seconded by John George, Jr., and made unanimous by Chairman Travers

RECEIVED
2013 MAR 18 A 10:40
DARTMOUTH TOWN CLERK

Unanimous vote. Motion passed.

CORRESPONDENCE RECEIVED

- Application time-stamped with the Town Clerk on January 31, 2013
- Originally approved Building Department plans dated June 16, 2011
- As-Built foundation plan dated January 25, 2013 and stamped by Kenneth R. Ferreira
- Elevation drawings of the addition
- Letter from Donald Perry, Planning Director, dated February 12, 2013
- Signatures of support signed by
 - Kenneth Gouveia – 80 Sol E Mar St
 - Maria & Francisco Rodrigues – 62 Sol E Mar St
 - Richard Silva – 9 Redwood St
 - Antonio & Judy Fernandes – 9 Redwood St
 - Mary Elizabeth Magee – 88 Sol E Mar St
 - Antonio Teixeira – 38 Norton St
 - Liliana DeAlmeida – 85 Merrimac St
 - Edward Viveiros – 70 Sol E Mar St
 - David DosSantos – 8 Sol E Mar St
 - ? – 23 Clarks Cove Road
 - Chad Beattie – 84 Sol E Mar St

Chairman Travers read into the record:

- Letter from Donald Perry, Planning Director, dated February 12, 2013

Board discussion ensued to determine if a Special Permit is adequate for this Petition or if a Variance would be required. The Board determined that the Special Permit application is the proper application.

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

Luis Teixeira

Explained that he obtained permitting from the Building Department to construct the addition without a Special Permit because he was expanding along the non-conforming property line of the existing home. However, the as-built plan showed a deviation in the foundation, and the height of the addition is now higher than the existing home, so a Special Permit is required to complete the construction.

The Board questioned the submitted architectural drawings. Specifically, the existing chimney was questioned.

Luis Teixeira

Explained that the depiction of what is shown as the existing chimney on the plans is actually the height of the existing chimney after it is extended to meet building codes.

The use of the addition was questioned.

Luis Teixeira

Stated that the addition is for a two-car garage, with future living space above the garage. A portion of the first floor would be used for storage to eliminate the need for a shed, and possibly a laundry room will be added at some point.

The Board made the following findings:

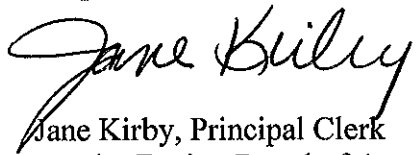
- Special Permit applicable
- Finished height of addition (24' 6") does not exceed zoning standard
- Existing house lower than height of addition
- As-built foundation approved
- Additional encroachment of roof overhangs, downspouts, etc. allowed
- Not more detrimental than the existing non-conforming structure

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

John George, Jr. motioned to approve the Special Permit, which was seconded by Jacqueline Figueiredo, and made unanimous by Chairman Travers. Unanimous vote. Motion passed.

7:25 P.M. Hearing adjourned.

Respectfully submitted,



Jane Kirby, Principal Clerk
For the Zoning Board of Appeals

APPROVED
3-12-13