



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 – April 23, 2013 ADMINISTRATIVE

Present: Jacqueline Figueiredo and Peter Smola

Also Present: Alternate Board Members Halim Choubah and Jay Peabody

Chairman Michael Travers was absent.

Acting Chairman Figueiredo read John George, Jr.'s resignation letter, noting that he was elected to the Select Board and will no longer be a Board of Appeals Alternate.

Chairman Figueiredo also read Jane Kirby's resignation letter, noting that she was appointed as the Town's Planning Aide effective June 24, 2013. The Board will now need to hire a new Staff Assistant.

Approval of Minutes

The Board unanimously approved the following minutes:

- Administrative – dated April 9, 2013
- Case #2013-10 – 18 Cove Road

DISCUSSION

Pursuant to MGL Chapter 40A, Section 12 the Board of Appeals shall adopt rules for the conduct of its business and shall file a copy of said rules with the Town Clerk.

Chairman Figueiredo noted that the Board is in the process of finalizing the draft Rules and Regulations and suggested that she meet with Jane Kirby in an effort to produce a final draft for Board review and signature at the May 23, 2013 meeting. She noted that she would also like to revise the language for the Aquifer Protection Special Permit Report requirements. The Board agreed with this suggestion.

Respectfully submitted,

Jane Kirby
Jane Kirby, Principal Clerk
For the Zoning Board of Appeals

APPROVED

5-7-13

RECEIVED
2013 MAY - 9 P 3:05
DARTMOUTH TOWN CLERK



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MINUTES –April 23, 2013

Case #2013-07

Petitioner: Peter C. Bullard, Esq.
Owners: Patrick & Ute Prevost
59 Nonquitt Avenue
MAP: 97 LOT: 57

DARTMOUTH TOWN CLERK

2013 MAY - 9 P 3:05

RECEIVED

PRESENT

The Board: Jacqueline Figueiredo, Peter Smola, and Halim Choubah

Absent

Michael Travers, Chairman

Also Present

Alternate Board Member Jay Peabody

7:00 P.M. Acting Chairman Jacqueline Figueiredo opened the hearing

Chairman Figueiredo read into the record:

- Letter dated April 18, 2013 from Peter C. Bullard, Esq. requesting the variance application be withdrawn without prejudice

Peter Smola motioned to accept the withdrawal without prejudice, which was seconded by Halim Choubah, and made unanimous by Chairman Figueiredo Unanimous vote. Motion passed.

7:02 P.M. Adjourned

Respectfully submitted,

Jane Kirby, Principal Clerk
For the Zoning Board of Appeals

APPROVED

5-7-13



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MINUTES – April 23, 2013 Case #2013-15

Petitioners: Steven & Lora Raposo
Owner: Marie Addison, LLC
562 Reed Road, Dartmouth, MA
MAP: 163 LOT: 19

PRESENT

The Board: Acting Chairman Jacqueline Figueiredo, Alternate Jay Peabody, and
Alternate Halim Choubah

Absent

Chairman Michael Travers

Peter Smola recused

Also Present

Steven & Lora Raposo
Richard J. Manning, Jr., Esq
Steven Kocur, Abutter – 1 Woodcart Drive

7:30 P.M. Chairman Figueiredo opened the hearing

LEGAL AD

Notice is hereby given of a public hearing to be held on Tuesday, April 23, 2013 at 7:30 P.M. in Meeting Room #304, Town Office Building, 400 Slocum Road, Dartmouth, MA on the petition of Steven and Lora Raposo who are seeking a Special Permit to operate a doggie day care business out of an existing accessory building on the premises; which would include daycare, grooming, boarding and training of dogs, as well as incidental retail sales. The subject property is located at 562 Reed Road, Dartmouth, MA in the General Business and Aquifer Protection Districts and identified on Assessor's Map 163 as Lot 19. This property is owned by Marie Addison, LLC. Information is on file in the office of the Zoning Board of Appeals and may be seen upon request during regular business hours. (Section 11.302 – Commercial Kennel)

ADVERTISED

This hearing was advertised in the Chronicle on April 10, 2013 and April 17, 2013

RECEIVED
2013 MAY -9 P 3:05
DARTMOUTH TOWN CLERK

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 Halim Choubah, and made unanimous by Chairman Travers.

Unanimous vote. Motion passed.

CORRESPONDENCE RECEIVED

- Application time-stamped with the Town Clerk on March 12, 2012 with attached Memorandum from Attorney Richard J. Manning Jr. and exhibits
 - Exhibit A – Site Photographs
 - Exhibit B – Site Plan
 - Exhibit C – Purchase & Sales agreement
 - Exhibit D – Business Plan Outline
 - Exhibit E – Assessor's Record for subject property
- Floor Plan
- Letter to Steven & Lora Raposa from Animal Control Officer Sandra Gosselin dated April 8, 2013 (Approval w/conditions)
- Letter to Chairman Travers from Animal Control Officer Sandra Gosselin dated April 8, 2013
- Letter to the Board from Planning Director dated April 19, 2013

Chairman read into the record:

- Letter to Steven & Lora Raposa from Animal Control Officer Sandra Gosselin dated April 8, 2013 (Approval w/conditions)
- Letter to Chairman Travers from Animal Control Officer Sandra Gosselin dated April 8, 2013
- Letter to the Board from Planning Director dated April 19, 2013

Chairman invited the Petitioner or representative to present the case.

Attorney Manning

Reviewed his submitted brief and exhibits for the Board and general public.

General points:

- 1.1 acres of land, with 3 existing structures
 - Residence, metal 3 stall garage, and garage and storage facility
- Proposed daycare will be located in the garage and storage facility
 - Former motorcycle repair shop
- Clients under agreement with the owner of this vacant property
- Proposing to live at residence and operate doggie daycare business out of the accessory structure
 - Detailed business plan submitted
- Obtained kennel license approval

Reviewed in detail how the proposal met the criteria for granting this Special Permit.

Stated that relatives will assist with the business in the beginning, but 1 or 2 employees may be needed if the business grows.

Stated that the proposed business is beneficial to the district, and will have no adverse impact to the neighborhood.

Chairman Figueiredo

Questioned the total lot coverage, noting that the subject property is located in the Aquifer Protection District.

Board discussion ensued. The Board determined that there is no increase in the existing lot coverage with this proposal, and the doggie daycare use is a better use for the district than a motorcycle repair shop.

Chairman Figueiredo invited public comment.

Steven Kocur, Abutter – 1 Woodcart Drive

Appreciated Attorney Manning's detailed presentation and stated that his questions and concerns have been answered. Welcomed the Petitioners to the neighborhood.

No other public comment was received.

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

Board findings:

- General locus and application information
- Meets by-law 11.302 criteria
 - Numerous details stated in brief
- Existing non-conforming lot coverage in Aquifer Protection District
 - Better use than motorcycle repair shop
- Sign on accessory structure will meet Town standards
- Owners living at residence to address any potential nuisance issue
- Fence to have plastic panels to lessen dog's view

Conditions:

- Must meet Town standards
- Subject to parking plan review and approval with Town Planner and Zoning Enforcement Officer
- Subject to purchase of property
- Subject to annual kennel license review
- No increase in lot coverage or impervious area
- Animal Control Officer's conditions outlined in letter
- Cleaning materials require Board of Health approval
 - Aquifer Protection District

- Special Permit will lapse with transfer of real estate or if owner not primary resident at the subject property
- Special Permit will lapse if kennel license not maintained

8:25 P.M. Hearing adjourned

Respectfully submitted,

Jane Kirby

Jane Kirby, Principal Clerk
For the Zoning Board of Appeals

APPROVED
5-7-13