



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 –May 7, 2013 ADMINISTRATIVE

Present: Michael Travers, Halim Choubah, and Jay Peabody
Absent: Jacqueline Figueireodo and Peter Smola

Approval of Minutes

The Board unanimously approved the following minutes:

- Administrative minutes of April 23, 2013
- Case #2013-15 562 Reed Road
- Case #2013-12 64 Wilson Street
- Case #2013-07 59 Nonquitt Avenue
 - March 12th, April 9th, and April 23rd

RECEIVED
2013 MAY 30 P 3:00
DARTMOUTH TOWN CLERK

Respectfully submitted,

Jane Kirby, Principal Clerk
For the Zoning Board of Appeals

APPROVED
5-28-13



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MINUTES – May 7, 2013

Case #2013-14

Anderson Furtado
93 Sharp Street

MAP: 144 LOT: 129

PRESENT

The Board: Chairman Michael Travers, Jay Peabody, and Halim Choubah

Absent

Jacqueline Figueiredo and Peter Smola

Also Present

Anderson Furtado

7:00 P.M. Chairman opened the hearing

LEGAL AD

Notice is hereby given of a public hearing to be held on Tuesday, May 7, 2013 at 7:00 P.M. in Meeting Room #315, Town Office Building, 400 Slocum Road, Dartmouth, MA on the petition of Anderson and Karen Furtado who are seeking a Special Permit to construct a 33' x 29'-9" addition to the existing dwelling. The subject property is located at 93 Sharp Street, Dartmouth, MA in the Single Residence A District and identified on Assessor's Map 144 as Lot 129. 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.200-Non-Conforming Structures; 3B.300-Non-Conforming Lots)

ADVERTISED

This hearing was advertised in the Chronicle on April 17th and April 24, 2013

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.

RECEIVED
2013 MAY 30 P 3:00
DARTMOUTH TOWN CLERK

CORRESPONDENCE RECEIVED

- Application time-stamped with the Town Clerk on March 12, 2013
- Architectural and Site plans
- Letter from Planning Director, Donald Perry, dated May 2, 2013
- Letter from Jane Bregoli, 89 Sharp Street, dated May 7, 2013

Chairman Travers read into the record:

- Letter from Planning Director, Donald Perry, dated May 2, 2013
- Letter from Jane Bregoli, 89 Sharp Street, dated May 7, 2013

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

Anderson Furtado

Referencing Jane Bregoli's letter of opposition, he explained that he not proposing any construction that will impact her property line and noted the proposed construction is on the opposite side of the lot.

Reviewed the proposed construction and floor plan, and believed the addition is beneficial to the neighborhood.

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

Halim Choubah 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 discussed the proposal in detail and made the following findings:

- General findings from application
- Existing non-conforming lot and structure
- S.P. pursuant to 3B.202 – expansion of non-conforming structure
- Existing garage on the lot set back 10 feet from Walnut Street
- Existing garage to be demolished and replaced with proposed new construction
- Proposed addition will have a 12'10" setback from Walnut Street
- Most practical location for garage addition
- Walnut Street is a dead end street
- Not more detrimental than existing structure

Conditions:

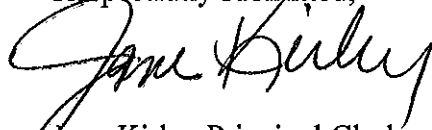
- Obtain applicable permits from other Town boards prior to issuance of building permit.
- Water and sewer service to be relocated or replaced to code per DPW.
- Plans of record
- Approval includes any further encroachment that could occur with the typical structural features to this garage, such as roof overhang, downspouts, and gutters; as shown on the approved architectural plans.

Jay Peabody motioned to approve the Special Permit with conditions, which was seconded by Halim Choubah, and made unanimous by Chairman Travers.

Unanimous vote. Motion passed.

7:30 P.M. Hearing adjourned

Respectfully submitted,



Jane Kirby, Principal Clerk
For the Zoning Board of Appeals

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MINUTES – May 7, 2013

Case #2013-16

BlueWave Capital

Castaldi Drive and John Vertente Blvd. Extension

MAP: 84 LOTS: 7, 8, and 8-18

MAP: 85 LOTS: 7 and 8

DARTMOUTH TOWN CLERK

2013 MAY 30 P 3:00

RECEIVED

PRESENT

The Board: Chairman Michael Travers, Jay Peabody, and Halim Choubah

Absent

Jacqueline Figueiredo and Peter Smola

Also Present

Richard R. Riccio III, P.E., Field Engineering Co., Inc.

Trevor Hardy, Partner – BlueWave Capital

Thomas G. Davis, Executive Director – Greater New Bedford Industrial Foundation

Ronald Laventure, Abutter – 40 Demoranville Lane

7:35 P.M. Chairman opened the hearing

LEGAL AD

Notice is hereby given of a public hearing to be held on Tuesday, May 7, 2013 at 7:15 P.M. in Meeting Room #315, Town Office Building, 400 Slocum Road, Dartmouth, MA on the petition of BlueWave Capital who is seeking variances to allow the construction of a commercial solar photovoltaic facility closer to the property lines than allowed by zoning. The property is located at Castaldi Drive and John Vertente Blvd Extension, Dartmouth, MA in the General Industrial District and identified on Assessor's Map 84 as Lots 7, 8 and 8-18, and Assessor's Map 85 as Lots 7 and 8. Information is on file in the office of the Zoning Board of Appeals and may be seen upon request during regular business hours. (Section 37.401 – Setbacks; Section 36 – Board of Appeals)

ADVERTISED

This hearing was advertised in the Chronicle on April 17, 2013 and April 24, 2013.

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 26, 2013
- BlueWave Capital Overview dated January 2013
- Exhibit Plan dated 3/22/13
- Letter from Planning Director, Donald Perry, dated May 2, 2013

Chairman Travers read into the record:

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

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

Richard R. Riccio III, P.E., Field Engineering Co. Inc.

Seeking to allow a commercial solar photovoltaic facility closer to the property lines than allowed by zoning.

Reviewed the site plan specifically noting the location of wetlands on the subject property. (Will need Order of Conditions from Conservation for storm water management, etc.).

Explained requested setback variances:

- 75' required/seeking 40' from southerly property line
 - Screening vegetation will remain or be provided
- 75' required/seeking 40' from northerly property line
 - Screening vegetation will remain or be provided

Stated that the subject property is located in the General Industrial District and the proposed use is one of the least intrusive and less intense uses of the land as allowed under the by-law and will not have an adverse impact on the neighborhood or serve as a detriment to the public. Noted that the proposed array is over 100' from the residential zone line.

Chairman Travers questioned the Operation and Maintenance Plan.

Trevor Hardy, Partner – BlueWave Capital

Reviewed the specifics with the Board, noting the system will be monitored 24/7.

Lengthy discussion ensued regarding panel replacement, the Operation and Maintenance plan details, megawatts, interconnection, and access and safety.

Chairman Travers invited public comment.

Thomas Davis, Executive Director – Greater New Bedford Industrial Foundation

Spoke in favor of the proposal

Ronald Laventure, Abutter – 40 Demoranville Lane

Stated his opposition to the proposal

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 Travers.

Unanimous vote. Motion passed.

Board Findings:

- General findings – subject property locus/zoning
- Required and proposed setbacks
- Screening will be provided, meeting intent of Section 37
- Requiring 75’ setback will limit productivity of proposed array and unnecessarily reduce the economic feasibility of the project
- Existing wetlands surrounding and on the proposed property provide limited buildable area
- Proposal meets stated purpose of the by-law
- Not detrimental to the public good
- Effective use of the property
- No negative impact to abutting property
- The least intrusive and less intense use of land allowed in this district

Conditions

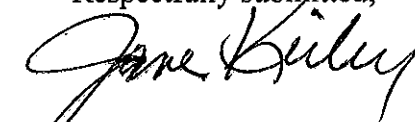
- Petitioner will secure all necessary permits and approvals from applicable boards and agencies
- Conservation permit required prior to issuance of building permit
- Landscape plan shall be submitted to Planning Director. Planning Director shall forward written to the Zoning Enforcement Officer prior to the issuance of a building permit
- Meet Section 37 standards, except 37.401 –setbacks
- Construction activity hours 7 a.m. – 5 p.m. Monday through Friday only, including staging, deliveries, equipment warm up, and other supporting construction activities

- Fencing shall be painted a natural color such as green, black, or brown to blend in with the natural surroundings
- After project completion, no storage of excess panels on site
- Operation and Maintenance Plan to be submitted to office of ZBA for file, along with the stamped final set of plans
- Plans of record

Jay Peabody motioned to grant the Variance with conditions, which was seconded by Halim Choubah, and made unanimous by Chairman Travers.
Unanimous vote. Motion passed.

8:12 P.M. Hearing adjourned.

Respectfully submitted,



Jane Kirby, Principal Clerk
For the Zoning Board of Appeals

APPROVED
5-28-13