



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 – June 11, 2013** **ADMINISTRATIVE**

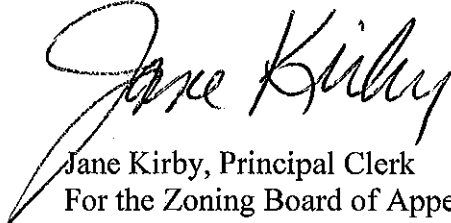
Present: Chairman Michael Travers, Jacqueline Figueiredo, and Robert Gardner

### **Approval of Minutes**

The Board unanimously approved the following minutes:

- Administrative minutes of May 28, 2013
- Case #2013-09 61 State Road
  - April 9, 2013 & May 28, 2013
- Case #2013-18 20 Lincroft Street
- Case #2013-17 712 Elm Street

Respectfully submitted,

  
Jane Kirby, Principal Clerk  
For the Zoning Board of Appeals

DARTMOUTH TOWN CLERK

2013 JUL 10 A 9:15

RECEIVED

**APPROVED**

7-9-13



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BOARD OF APPEALS

# Town of Dartmouth

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## MINUTES – June 11, 2013

### Case #2013-21

Vision Development, Inc.  
498 Old Westport Road  
MAP: 48      LOTS: 28, 29, and 39

#### PRESENT

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

#### Absent

Peter Smola  
Alternate Member Halim Choubah

#### Also Present

Alternate Member Robert Gardner  
Walter R. Smith, Esq. – Representing Vision Development, Inc.  
Numerous Town Residents

RECEIVED  
2013 JUL 10 A 9:15  
DARTMOUTH TOWN CLERK

**7:35 P.M. Chairman opened the hearing**

#### LEGAL AD

Notice is hereby given of a public hearing to be held on Tuesday, June 11, 2013 at 7:30 P.M. in Meeting Room #304, Town Office Building, 400 Slocum Road, Dartmouth, MA on the petition of Vision Development, Inc. who is seeking a variance to allow the construction of a 504 bed student housing development project with clubhouse. The subject property is located at 498 Old Westport Road, Dartmouth, MA and identified on Assessor's Map 48 as Lots 28, 29, and 39. The subject property is located in both the Single Residence B and Aquifer Protection Districts, and owned by Claudia Mello, Frank R. Mello, and Robert Mello. 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 36.300 – Use Variances)

#### ADVERTISED

This hearing was advertised in the Chronicle on May 22, 2013 and May 29, 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 Jay Peabody, and made unanimous by Chairman Travers.

## CORRESPONDENCE RECEIVED

- Application time-stamped with the Town Clerk on May 15, 2013
- Conceptual design plan by Stimmel Associates titled Preliminary Concept Plan UMass Dartmouth
- Traffic Impact and Access Study prepared for Prime Engineering, Inc. dated March 27, 2013 by Vanasse & Associates, Inc.
- Planning Board meeting minutes dated February 19, 2013
- Determination of Applicability from Dartmouth Conservation Commission
- Letter from Donald Perry, Planning Director, dated May 30, 2013 and addendum letter dated June 10, 2013
- Letter from Fire Chief Richard Arruda dated June 3, 2013
- Letter from Department of Public Works dated May 23, 2013
- Letters of Opposition from:
  - Peter Senuick – 7 Delta Avenue
  - Stephen & Jennifer Mercier – 404 Old Westport Road
  - Florence Harding – 51 Alden Avenue
  - Paul & Sheila Sabourin – 77 Alden Avenue
  - Robert Harding, PHD – 16 Alden Avenue
  - Norman de Silva – 523 Old Westport Road
  - Richard and Ann Ibara – 445 Old Westport Road
  - Jack and Michele Lyons – 9 Strawberry Lane
  - Deborah Shea & Paul Feeney – 569 Old Westport Road
  - Dianne St. Pierre and Mark, Lisa & Cody Santos – 367 Old Westport Rd
  - Susan Wishart – Lucy Little Road
  - Russell & Mary Robinson – 398 Old Westport Road
  - Pamela Melanson & Robert Mercer, Jr. – 555 Old Westport Road
  - George Mallan, PHD – 405 Old Westport Road
  - James Costa – 459 Old Westport Road
  - Karen & Paul Carnes – 10 Blossom Court
  - Eleanor Perry – 405 Old Westport Road
  - George O'Hara III – 70 Alden Avenue
  - Arthur & Carol Cabral – 411 Lucy Little Road
  - Don & Mary Cook – 465 Old Westport Road
  - Kelly & Denis Young – 5 Blossom Court
  - Paula Pacheco – Lucy Little Road
  - Elle & Carl Martins – 1 Blossom Court
  - Alexandre Raposo – Blossom Court
  - Paul & Carolyn Langlois – 65 Old Westport Road
  - Jacqueline Gonsalves – Alden Avenue
  - Erica Sahlin – 479 Old Westport Road
- Letter from Attorney Walter R. Smith dated June 11, 2013

Chairman Travers read into the record:

- Letter from Attorney Walter R. Smith dated June 11, 2013

Chairman Travers invited the Petitioner or representative to speak.

**Walter R. Smith, Esq.**

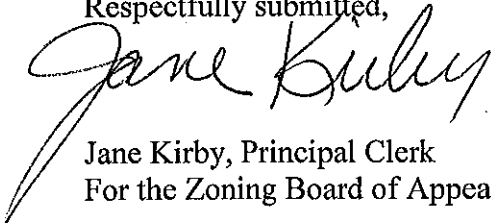
Stated that on behalf of his client, Vision Development, Inc., he is requesting that the Board allow the application to be withdrawn without prejudice. Stated that his client may resubmit an application after some plan revisions, but that is not definite at this time.

Jacqueline Figueiredo motioned to grant the withdrawal without prejudice, which was seconded by Jay Peabody, and made unanimous by Chairman Travers.

Unanimous vote. Motion passed.

**7:40 P.M. Hearing adjourned**

Respectfully submitted,



Jane Kirby, Principal Clerk  
For the Zoning Board of Appeals

**APPROVED**  
7-9-13



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## MINUTES – June 11, 2013

### Case #2013-20

Timothy & Rebecca Lancaster  
20 Emerson Street  
MAP: 128 LOT: 168

#### PRESENT

The Board: Chairman Michael Travers, Jacqueline Figueiredo, and Robert Gardner

#### Absent

Peter Smola

Alternate Board Members Halim Choubah and Jay Peabody

#### Also Present

Timothy & Rebecca Lancaster

Steve Gioiosa, P.E. – SITEC, Inc.

Robert Carney, Resident

DARTMOUTH TOWN CLERK

2013 JUL 10 A 9:15

RECEIVED

**7:15 P.M. Chairman opened the hearing**

#### LEGAL AD

Notice is hereby given of a public hearing to be held on Tuesday, June 11, 2013 at 6:45 P.M. in Meeting Room #304, Town Office Building, 400 Slocum Road, Dartmouth, MA on the petition of Timothy and Rebecca Lancaster who are seeking a Special Permit to allow the construction of a mudroom and an attached 2-car garage with a master bedroom above. The subject property is located at 20 Emerson Street, Dartmouth, MA 02748 and identified on Assessor's Map 128 as Lot 168. 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.202 -- Expansion of Non-Conforming One or Two Family Structures)

#### ADVERTISED

This hearing was advertised in the Chronicle on May 22, 2013 and May 29, 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 Robert Gardner, and made unanimous by Chairman Travers.

Unanimous vote. Motion passed.

## **CORRESPONDENCE RECEIVED**

- Application time-stamped with the Town Clerk on May 14, 2013 with attached brief
- Site and architectural plans
- Letter from Donald Perry, Planning Director, dated May 30, 2013

Chairman Travers read into the record:

- Letter from Donald Perry, Planning Director, dated May 30, 2013

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

### **Steve Gioisa, P.E., SITEC, Inc.**

Reviewed the subject property.

- Legally existing non-conforming lot and structure
- Zoned General Residence
- Proposing to construct an attached 2-car garage with master bedroom above, and mudroom connection
- Required 10' setback
  - Proposing 7' setback on eastern property line
- Meets setbacks for south, west and north property lines
- Consistent with neighborhood setbacks
- Not in the flood zone or overlay district

The Board reviewed the floor plan and proposed construction in detail with Mr. Gioiosa.

Chairman Travers invited public comment.

### **Robert Carney**

Spoke in favor of the proposal.

The Board made the following findings:

- Locus/square footage of lot
- Located in a Firm Zone "C"
- Pre-existing non-conforming lot and structure (3B.200/3B.201)
- Existing deck to be removed
- Garage/mudroom/dining area/patio to be constructed
- Side setback relief requested to allow 7' where 10' is required by zoning
- Existing lot coverage of 29.7%/proposed lot coverage 46.6%
- Not located in Aquifer Zone
- 2 required parking spaces provided in the garage and driveway
- Not more detrimental than existing non-conforming structure
  - In keeping with the neighborhood

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

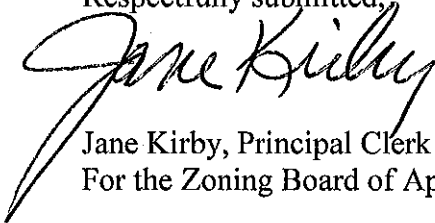
Conditions:

- Petitioner will secure all of the necessary permits and approvals from all applicable Boards and Agencies prior to the issuance of a building permit
- Plan of record

Jacqueline Figueiredo motioned to grant the Special Permit with conditions, which was seconded by Robert Gardner, 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**

7-9-13