



OFFICE OF THE ZONING  
BOARD OF APPEALS

# Town of Dartmouth

400 Slocum Road - Room 318  
Dartmouth, Massachusetts 02747

Tel: (508) 910-1800  
Fax: (508) 910-1800

DARTMOUTH TOWN CLERK

2013 SEP 25 4:11

RECEIVED

## MINUTES

**September 3, 2013**

**Case # 2013-27**

Property: 2 Mystic Drive, Dartmouth MA 02748

MAP: 29 LOT: 59-10

Single Residence B District

### PRESENT

The Board: Chairman, Jacqueline Figueiredo, Halim Choubah, Kevin Melo

Also Present: Alternate Board Members, Jay Peabody, David Dore, Principal Clerk Assistant Tina Cabral, and Alfred Peters

Absent: Robert Gardner

**6:30 P.M. Chairman Figueiredo opened the hearing**

### LEGAL AD

Notice is hereby given of a public hearing to be held on Tuesday, September 3, 2013 at 6:30 p.m. in Meeting Room #304, Town Office Building, 400 Slocum Road, Dartmouth, MA on the petition of Alfred Peters who is seeking a Special Permit requesting to bring water to an Accessory, Building or structure. The property is located at 2 Mystic Drive, Dartmouth, MA in the Single Residence B District and identified on Assessor's Map 29 as Lot 59-10. Information is on file in the office of the Zoning Board of Appeals and may be seen upon request during regular business hours.

(Section 4B.302 Accessory, Buildings or Structures with Kitchen or Bathroom Facilities)

### ADVERTISED

The Notice for public hearing was published in The Chronicle Newspaper on Wednesday, August 21, 2013 and Wednesday, August 28, 2013.

### ABUTTER'S LIST

Halim Choubah motioned to waive reading of the abutter's list and it was seconded by Kevin Melo. Motion passed by unanimous vote. A certified abutter's list is available for review in the office of the Zoning Board of Appeals.

### DOCUMENTS ON FILE

- Application time-stamped with the Town Clerk on August 12, 2013
- Photos of pool and pool area
- Architectural drawings for pool house dated June 26, 2013

- Pool Shed Effluent Pump Plans dated January 8, 2013
- Letter from Planning Director, Donald Perry, dated August 26, 2013

*Chairman Figueiredo read into the record a letter from Planning Director, Donald Perry, dated August 26, 2013.*

*Chairman Figueiredo invited the Petitioner or representative to present the case.*

**Alfred Peters**

Mr. Peters resides at 2 Mystic Drive and would like to build a pool house near the pool and would like to bring in water to the pool house. He has no intentions of using the pool house for residential purposes. He may add a kitchen to the pool house if and when funds permit. The pool house will be heated and will have a walk-out basement.

*Chairman Figueiredo invited board members to ask questions.*

**Chairman Figueiredo**

Questioned the Board if Mr. Peters needs to put in a bathroom or kitchen in the proposed accessory building within two (2) years of the Special Permit.

**Halim Choubah**

Answered that the building permit should be sufficient as it is valid for six (6) months.

*Chairman Figueiredo invited public comment.*

*No public comment.*

**The Board made findings:**

- Property locus
- Current owners, Alfred C. Peters and Jennifer B. Peters since September 29, 2010
- Special Permit 4B.302 to bring in water to a pool house and to construct a bathroom and kitchen in pool house
- The existing and proposed utilities include town water and a septic system
- Accessory building not to be used/converted to a residential unit
- A Pool Shed Effluent Pump Plan has been submitted to the Board of Health to secure a permit
- Site located in Flood Zone X
- There are no wetlands within 100' buffer zone of proposed project

**The Board discussed the following conditions:**

- Subject to standard Town Board/Agencies' approvals and conditions
- The proposed accessory building not be used or converted to a residential unit
- Inspection to be performed once a year of accessory building
- 

*Chairman Figueiredo invited board members of any further questions.*

*No comments.*

*Chairman Figueiredo entertained a motion to close the public hearing which was made by Halim Choubah and seconded by Kevin Melo. Motion passed unanimously.*

*Halim Choubah motioned to approve the Special Permit with the specified findings and conditions. Motion seconded by Kevin Melo. Motion passed unanimously.*

**6:45 P.M. Hearing adjourned**

Respectfully submitted,



Tina Cabral, Principal Clerk  
For the Zoning Board of Appeals

**APPROVED** 9-24-13



# Town of Dartmouth

400 Slocum Road - Room 318  
Dartmouth, Massachusetts 02747

OFFICE OF THE ZONING  
BOARD OF APPEALS

Tel: (508) 910-1868  
Fax: (508) 910-8333

DARTMOUTH  
CLERK

2013 SEP 25 AM 10:41

RECEIVED

## MINUTES

September 3, 2013

Case # 2013-28

Petitioner: Mary O'Donnell and No. Fossil Fuel Dartmouth Solar LLC  
Owner of Property: Philip DeMoranville  
Property: 756 Fisher Road, Dartmouth MA 02747  
MAP: 32 LOT: 54  
Single Residence B District

### PRESENT

The Board: Chairman, Jacqueline Figueiredo, Halim Choubah, Jay Peabody  
Also Present: Alternate Board Members, David D. Dore, Kevin A. Melo, Principal Clerk  
Assistant Tina Cabral  
Absent: Robert Gardner  
Also Present: Attorney John Yunits, Thomas Hardman and Phillip Cavallo

**7:00 P.M. Chairman Figueiredo opened the hearing**

**LEGAL AD:** Notice is hereby given of a public hearing to be held on Tuesday, September 3, 2013 at 7:00 p.m. in Meeting Room #304, Town Office Building, 400 Slocum Road, Dartmouth, MA on the petition of Mary O'Donnell and No. Fossil Fuel Dartmouth Solar, LLC who are seeking a Variance from Section 37.407 of the Zoning ByLaws which requires that all utility connections from Large-Scale Solar Photovoltaic Installations shall be underground. The Petitioner is seeking permission to allow above-ground utility connections from the solar array for property located at 756 Fisher Road, Dartmouth, MA and owned by Philip DeMoranville. The subject property is located in the Single Residence B District and identified on Assessor's Map 32 as Lot 54. 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-Large Scale Ground-Mounted Solar Photovoltaic Installations and Section 37.407-Utility Connections)

**ADVERTISED:** The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, August 21, 2013 and Wednesday, August 28, 2013.

**ABUTTER'S LIST:** Halim Choubah motioned to waive the reading of the abutter's list into the record, which was seconded by Jay Peabody. Motion passed unanimously. A certified abutter's list is available for review in the office of the Zoning Board of Appeals.

## DOCUMENTS ON FILE

- Variance application time-stamped with the Town Clerk on August 16, 2013
- Letter from Planning Director, Donald Perry, dated August 26, 2013
- Array Layout Plan Conceptual Site Plan dated June 28, 2013
- A-1 Plan dated May 8, 2013
- Photos

*Chairman Figueiredo read into the record a letter from Planning Director, Donald Perry, dated August 26, 2013.*

*Chairman Figueiredo invited the Petitioner or representative to present the case.*

### John Yunits, Esq.

Mr. Yunits is the attorney for Mary O'Donnell. He explained that this project will not be near any public ways and the power lines will run on Philip DeMoranville's land. Due to the soil, cranberry bogs and wetlands running underground utilities would be extremely difficult and very costly. The solar array will generate about 6 megawatts. He also stated that this project would put Dartmouth as the largest solar community in the Commonwealth of Massachusetts.

Amaresco out of Framingham, Massachusetts is slated to be the ultimate purchaser and they want to have this project on line by January 1, 2014. The Planning Board has approved the ANR Plan, and 26 acres of the site has been donated by Mr. DeMoranville to the Dartmouth Natural Resources Trust (DNRT).

### Thomas Hardman, Site Design Engineering

There still exists the same soil conditions and high water ledgers on the property since the prior Variance was submitted. NSTAR has submitted a letter dated August 8, 2013 to No Fossil Fuel LLC stating that they call for overhead service off NSTAR's Right of Way. These power lines will not be seen from Fisher Road.

### Jay Peabody

Questioned what the cost would be if this project was to be installed underground and what the hardship would be, if any.

### Phillip Cavallo, Beaumont Solar Co.

Explained that that the amount of conduit and wire that is required to run is about 3,140 feet. Should conduit be run underground, generally the standard requires that it be encased in concrete. The ground would require to be trenched, installed 36 inches or more below surface in casing concrete. The wire size would have to be increased due to heat as the conductors wouldn't be able to transmit as a result of it being in conduit. Having wires installed above ground would allow the use of a smaller wire size and would not require the concrete or the conduit. The cost for doing the underground installation would range between \$400,000 - \$500,000 on top of the current proposal for the overhead installation project. Mr. Cavallo researched with the Department of Energy Resources in Boston and was told pursuant to Section 3.9.3 of the As-of-Right Zoning Bylaw Allowing Use of Large-Scale Ground-Mounted Solar Photovoltaic, that all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape and topography of the site and any requirements of the utility

provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider. NSTAR has been out to the site and an Array Lay Out Plan was drawn by Beaumont Solar Co. designing the interconnection to NSTAR's poles and wires on the property.

*Chairman Figueiredo invited any board members to ask questions.*

*No further questions by board members.*

*Chairman Figueiredo invited public comment regarding this project or public comment.*

*No public comment.*

**The Board made findings:**

- Property locus
- Property owned by Philip DeMoranville of King Fisher Corporation since 1977
- Owner of property has donated 26 acres of the property to the DNRT
- Mary O'Donnell of No Fossil Fuel LLC was granted a Variance on 7/10/12 (Case#2012-11) to install a large-scale ground-mounted solar photovoltaic system on the property
- Amendment to Variance Case#2012-11 to alter condition #12 was granted by the Board on December 5, 2012
- Present Variance 37.407 Case#2013-28 to allow above ground utility connections
- Property currently has above ground lines running through it
- Property is currently large and includes an existing home, scale house, gravel pit and cranberry bog
- Above ground utilities will not be visible from public ways
- Topography of the property and other access areas contain natural slopes some of which are in excess of 17%, the soil is poor or made of partial glacial till and ledge, high water table and property is shallow to bedrock
- A portion of the site is in the Aquifer Protection District. The transmission line falls within the 100' foot buffer of the wetlands and the above ground utility installation would be less disruptive
- The Board found that the requested Variances meet the statutory requirements for granting a Variance pursuant to Massachusetts General Laws Chapter 40A §10.

**The Board discussed the following conditions:**

- Subject to standard Town Board/Agencies' approvals and conditions
- Conditions as set forth in previous Variance and Amendment remain effective
- Recommendation by the Board of Health Director remain effective
- Recommendation by the Environmental Affairs Coordinator remain effective
- This Variance is granted specific to use by the solar project
- Plans of record approved

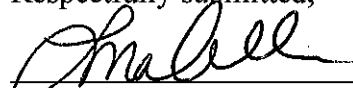
*Jay Peabody motioned to close the public hearing which motion was seconded by Halim Choubah. Motion passed unanimously.*

*Jay Peabody makes the motion to grant the VARIANCE based upon the findings and conditions as stated.*

*Motion was seconded by Halim Choubah and motion passed unanimously.*

**7:32 P.M. Hearing adjourned**

Respectfully submitted,



\_\_\_\_\_  
Pina Cabral, Principal Clerk  
For the Zoning Board of Appeals

**APPROVED**

9-24-13



# Town of Dartmouth

400 Slocum Road - Room 318  
Dartmouth, Massachusetts 02747

OFFICE OF THE ZONING  
BOARD OF APPEALS

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

DARTMOUTH  
TOWN CLERK

2013 SEP 05 A 10:40

RECEIVED

## ADMINISTRATIVE MINUTES SEPTEMBER 3, 2013

Present: Chairman Jacqueline Figueiredo and Halim Choubah

Also Present: Alternate Board Members Jay Peabody, David D. Dore and Kevin A. Melo

Also Present: Principal Clerk Assistant, Tina Cabral

Absent: Robert Gardner

*6:10 P.M. Chairman Figueiredo opened the meeting*

### ADMINISTRATIVE

**Minutes:** Chairman Figueiredo stated that the previous Minutes have not yet been reviewed and completed and will be submitted for review and approval at the next Board of Appeals meeting.

### Discussion:

Chairman Figueiredo stated that most of the Board of Appeals forms are up to date with minor changes to the applications for the Special Permit, Variance and Amendment. The Chairman suggested to the Board that the option of "town water and septic" be added on page 1 of the applications as well as adding in a "date" line to the signature pages on the applications.

Mr. Choubah suggested to the Board that all applicants should be required to submit stamped plans or drawings by a Registered Land Surveyor, Registered Engineer, Architect or Landscape Architect with their applications especially relative to any setback requirements prior to their scheduled hearings in case of any delay in applicant's case.

The Board discussed a few revisions to the Rules and Regulations Governing the Procedures of the Board of Appeals:

- Delete 1.2 Vice-Chairman in Article 1 of Table of Contents
- Add "1.2 Clerk" in Article 1 of Table of Contents
- Add "1.3 Associate Members" in Article 1 of Table of Contents



- On page 4 of Table of Contents change language to reflect “Membership is subject to change, therefore this page of the Rules and Regulations can be changed annually.”
- On page 1 of the Rules and Regulations, second paragraph: switch around the sentences so that the second sentence begins the paragraph.
- On page 1 of the Rules and Regulations, Section 1: delete the word “regular” and change to “members”.
- On page 1 of the Rules and Regulations, Section 1: add remove the word “Vice-Chairman”
- On page 1 of the Rules and Regulations, Section 1: add another paragraph “Appointments: Appointments for members and associate members shall be made for three years and shall be staggered so as to limit the yearly change of membership.”

The Board unanimously voted to continue discussion of the Rules and Regulations Governing the Procedures of the Board of Appeals to the next hearing of September 24, 2013 at 6:00 p.m.

**6:30 P.M. Adjournment**

Respectfully submitted,



Tina Cabral, Principal Clerk  
For the Zoning Board of Appeals

**APPROVED** 9-24-13



# Town of Dartmouth

## Office of the Zoning Board of Appeals

400 Slocum Road, Dartmouth, MA 02747  
Telephone (508) 910-1868 ♦ Fax (508) 910-1833

### **APPLICATION INSTRUCTIONS**

Every application submitted for action by the Zoning Board of Appeals, including special permits, variances, amendments, comprehensive permits, administrative appeals, and extension requests shall be made on the official application forms of the Board.

Applications for special permits, variances, and amendments require zoning determination(s). Such determinations are not required for an administrative appeal, comprehensive permit, or an extension request. Failure to provide the required information, including the specific reference(s) to all applicable sections of the zoning by-laws may result in the need for a new application and hearing. It is the Board's recommendation that the Zoning Enforcement Officer be consulted for the zoning determination(s) to ensure that the correct provisions of the by-laws are cited for legal purposes. Securing the signature of the Zoning Enforcement Officer, although not required, is suggested for all applications except for an Administrative Appeal. For an Administrative Appeal, a copy of the appeal must be submitted to the Zoning Enforcement Officer's office. Call the Building Department at (508) 910-1820 to schedule an appointment.

Colored photos of the subject parcel/structure(s) are required from all angles.

Projects located in an environmentally sensitive area such as the Aquifer Protection District are subject to the requirements outlined in the Aquifer Protection Special Permit Report.

See Zoning Board of Appeals Principal Clerk Assistant to obtain a copy of the requirement report.

All applications must be accompanied by appropriate plans.

**NO HAND DRAWINGS WILL BE ACCEPTED.**

### **THE FOLLOWING IS REQUIRED WITH SUBMITTED APPLICATIONS**

- Plan(s) stamped by a Registered Land Surveyor , Registered Engineer, Architect, or Landscape Architect, as applicable
- One full-sized set and seven reduced sets (11 X 17 or 8 ½ X 11) of applicable plans

**Building Plans:** Shall include accurate, scaled drawings of:

- Elevations, showing exterior facades indicating materials and architectural features
- Floor plans with dimensions showing schematic layout, use of interior spaces and means of egress

**Site plans:** Shall include the following as applicable:

- Name of property owner, developer, and engineer/surveyor/landscape architect or builder
- Address of subject property, including map and lot numbers of all parcels
- Date, title and scale of plan
- Locus map showing site location and location of buildings on surrounding properties, north arrow
- Deed restrictions
- Existing and proposed site conditions, including lot lines, easements, rights-of-way, size of property in square feet, frontage, front, side and rear setbacks
- Calculation of total lot area, wetlands, building coverage and total lot coverage
- Location and use of all existing and/or proposed buildings and structures, including dimensions and heights
- Location and names of existing and/or proposed streets, curb cuts, entrances and exits, parking areas, sidewalks, loading/service areas, utility systems
- Existing and proposed contours and finished grade elevations, including location and volume of significant filling or excavations
- Location of all natural features, including significant watercourses, wetlands, water bodies, bedrock outcroppings, stone walls and trees. In addition, stone walls and trees to be affected by clearing and/or construction within any portion of any public right-of-way immediately adjacent to the subject property
- Stormwater Management Plan showing proposed Stormwater Management System including design calculations and maintenance schedule. The Stormwater Management System shall be designed in accordance with the applicable Massachusetts Department of Environmental Protection (D.E.P.) Stormwater Management Policy Handbook and Technical Handbook as most recently amended and with all other applicable Town of Dartmouth Stormwater Management requirements.
- Location of containers and enclosures for storage and disposal of waste, recyclables and, where applicable, waste kitchen oil
- Number and location of parking spaces required

**Landscape Plan:** Showing proposed vegetation to be planted, including street and shade trees, shrubs and other plantings. Parking lot screening, by species and type shall be detailed. Existing vegetation of lot and any intermittent or year-round streams, ponds or other wetlands shall also be shown.

**Sign Plan:** Including, but not limited to, dimensions, color, graphics, placement, lettering and any sign lighting.

**Lighting Plan:** Showing location and type of outdoor lighting and lighting fixtures, with said lighting to be designed to minimize glare and light spillover onto adjacent properties, streets and the night sky.

**Soil Erosion Plan:** Showing all measures proposed to prevent or reduce erosion both during and after construction.

Completed applications and accompanying plans/documentation are to be submitted to the Zoning Staff Assistant located in the Board of Appeals office. He/she will review the project proposal and submitted material. When the application is deemed complete, he/she will collect the appropriate fees and obtain certification from the Tax Collector's office that the subject parcel(s) do not have any tax issues. All taxes and fees due to the Town must be paid prior to submitting an application with the Zoning Board of Appeals. The Zoning Staff Assistant will file the application with the Town Clerk. The Town Clerk shall time-stamp the application upon receipt, and this date is the official filing date for the application.

### **APPLICANT/PETITIONER'S CHECKLIST**

- Completed application including any required signatures by various Town Departments**
- Two separate checks**
  - \* one for advertising fee; and**
  - \* one for postage fees and application fee made payable to "Town of Dartmouth"**
- Applicable plans stamped by a Registered Professional (see instructions) (One (1) full set, seven (7) reduced sets)**
- Seven (7) colored photos**

If you need assistance or have any questions at any time during this process, please call the office of the **Zoning Board of Appeals, Principal Clerk Assistant at (508) 910-1868.**

### **GENERAL INFORMATION**

A copy of the Zoning By-laws is available at the Town Clerk's office for a nominal fee, and can also be found on the Town of Dartmouth website.

- Town Clerk Office (508) 910-1800
- Town of Dartmouth website  
[www.town.dartmouth.ma.us](http://www.town.dartmouth.ma.us)

Parcel information, including map and lot numbers, may be obtained from the Assessor's Office and can also be found on the Town of Dartmouth website.

- Assessor's Office (508) 910-1809

### **PROCEDURAL INFORMATION**

#### **Chronicle Notice**

In accordance with MGL Chapter 40A, Section 11 a notice of public hearing shall be published twice in the Dartmouth Chronicle, or in a newspaper of general circulation in the Town in each of two (2) successive weeks not less than fourteen (14) days in advance of the hearing. The ad will be placed by the Zoning staff Assistant and the advertising fee shall be paid by the owner or applicant. This Notice will also be posted in accordance with M.G.L. Chapter 40A, Section 11.

The Zoning Staff Assistant will mail a copy of the advertised notice to all parties in interest including abutters within 300' of the subject parcel(s) as they appear on the most applicable tax list. Copies are also distributed to the Town Clerk, Planning Board, Director of Inspectional Services, and any other relevant Town departments/boards. Notice will also be sent to the property owner, Applicant/Petitioner, and representatives of the Applicant/Petitioner (engineer/attorney).

#### **Hearings**

All applications for special permits, variances, amendments, comprehensive permits, and administrative appeals shall be heard at duly advertised public hearings. The Applicant/Petitioner and/or representative must be present at the public hearing. The Zoning Board of Appeals meets on any given Tuesday night of the month.

#### **Site Visits**

The Board may choose to view the subject property prior to the hearing. The purpose of this visit is to view the site/structure and its relation to the surrounding area. Testimony shall not occur outside of a public hearing.

### **Hearing Procedure**

The Chairman shall open the hearing and be in charge of all portions of the hearing. Hearings typically proceed in the following order:

- Notation for the record of all submitted materials and observations of the site visit, if applicable
- Applicant and/or representative's presentation
- Questions from the Board
- Comments and questions from the public
- Applicant/representative's response
- Final comments and questions from the public, applicant/representative, and Board
- Close of evidentiary part of the hearing\*
- Findings of fact and Decision

\*Hearing may be continued to a date certain per request of the applicant/representative or the Board. The Board may choose to seek *additional* information from any Town official, Board, committee, agency, or any other person whom the Board believes may have appropriate expertise in any matter.

### **Voting**

The unanimous vote of the three sitting Board members is required in granting special permits, variances, amendments to previously approved decisions, comprehensive permits, appeals, and extension requests.

### **Findings and Decision**

Consideration of an application shall be based on findings of fact as presented by the applicant, as well as specific findings of the Board that the application meets all of the necessary provisions of the by-law. This process is conducted within the public hearing.

Approval may be subject to conditions, modifications and reasonable restrictions necessary to ensure compliance with appropriate sections of the by-law.

The Board's written decision shall state the specific findings of fact and reasons for its decisions based on the applicable sections of the zoning by-law(s). The Board has fourteen (14) calendar days to submit its written decision to the Town Clerk. The Zoning Staff Assistant will file the decision with the Town Clerk. The Town Clerk shall time-stamp the decision upon receipt, and this date is the official filing date for the decision. A copy of the decision will be mailed to the applicant. Notice of the decision will be sent to all parties in interest.

### **Appeal Period**

Anyone wishing to appeal the Board's decision must do so within twenty (20) calendar days of the official filing date of the decision.

### **Granted Decisions**

Decisions do not become valid until they are recorded with the Registry of Deeds. The Applicant/Petitioner bears all responsibility for this recording, including any fees. After the appeal period has lapsed, or an appeal was dismissed or denied in district or land court, a **certified** copy of the Board's decision must be obtained from the Town Clerk and recorded with the Registry of Deeds. After recording is completed, the Applicant/Petitioner must submit written proof of that recording (new book and page number) with the Zoning Staff Assistant. The Zoning Staff Assistant will forward the completed file to the Building Department to allow the project to proceed.

### **Note:**

**The rights authorized by a decision of the Zoning Board of Appeals do expire.**

The timeline for which a decision is valid is written in the decision.

### **Denied Decisions**

Pursuant to Massachusetts General Laws Chapter 40A, Section 17 the Applicant/Petitioner may appeal the decision of the Board within twenty (20) calendar days of the decision's official filing date. Denied applications may not be re-filed for two years.

### **6-Month Extension**

The Board, in its discretion and upon written application, may extend the rights authorized by the decision for a period not to exceed six months. The extension application must be filed with the Zoning Staff Assistant prior to the expiration date of the decision.

### **Withdrawal**

Any application may be withdrawn at any time prior to publication of legal notice publication by written request submitted to the Zoning Staff Assistant.

A request to withdraw an application after legal notice requires approval by unanimous vote of the Board at a public meeting. At least two members of the original Board panel assigned to the application must participate in the vote. Such a request may be made either in writing to the Board or orally by the applicant/representative at the public meeting.

If an application is withdrawn without prejudice, it may be re-filed at any time.

## **FEE SCHEDULE**

As of September, 2013

**Advertising Fee** - Cost based on advertising rates. A check made payable to "SOUTHCOAST MEDIA GROUP" for publication in The Dartmouth Chronicle.

**Postage Fee** – Cost based on the number of parties/abutters in interest. The Zoning Board of Appeals Principal Clerk Assistant will determine the postage fee for applicant. A check made payable to "TOWN OF DARTMOUTH" is required for postage fee.

### **Application Fee**

Check made payable to "TOWN OF DARTMOUTH" for application fee.

**\*\*\*\* POSTAGE FEE AND APPLICATION FEE MAY BE SUBMITTED ON ONE (1) CHECK \*\*\*\***

Relief	Residential	Commercial
<b>Special Permit</b>	\$360.00	\$760.00
<b>Variance/ Change of Use Variance</b>	\$360.00	\$760.00
<b>Amendment</b>	\$360.00	\$760.00
<b>Administrative Appeal</b>	\$510.00	\$510.00
<b>Six-Month Extension</b>	\$110.00	\$110.00
<b>Comprehensive Permit</b>	\$360 + \$60 per unit	\$760 + \$60 per unit
<b>Substantial Modification to the Comprehensive Permit</b>	\$360 + \$60 per unit	\$760 + \$60 per unit

### **Special Permit**

(non-conforming uses, structures, lots, accessory building with kitchen or bathroom facilities, renting of rooms in a non-owner occupied dwelling, projects in the aquifer protection district, off-site parking, telecommunications facilities, gasoline station or automotive service, kennel, adult uses, etc.)

### **Variance**

(lot area, lot coverage, frontage, setbacks or other dimensional requirements, etc.)

### **Change of Use Variance**

(residential use in the general business district, for example)

### **Amendment**

(amend an existing decision, modify a restriction, change a plan of record, etc.)

### **Administrative Appeal**

(appealing an order or decision of an administrative official, inability to obtain enforcement action, inability to obtain a building permit)

**Six-Month Extension** (extend the timeline of the rights authorized by an existing decision.)





# Town of Dartmouth

Office of the Zoning  
Board of Appeals

400 Slocum Road, Dartmouth, MA 02747  
Telephone (508) 910-1868 ♦ Fax (508) 910-1833

## Z-1 APPLICATION SPECIAL PERMIT

**CASE #** \_\_\_\_\_  
(Assigned by Zoning Staff Assistant)

**SUBJECT PROPERTY ADDRESS**

\_\_\_\_\_

Map(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Book(s) & Page(s) \_\_\_\_\_

**PROPERTY OWNER:**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**PRESENT OWNERSHIP SINCE:** \_\_\_\_\_

**APPLICANT/PETITIONER, IF DIFFERENT FROM OWNER:** \_\_\_\_\_

**REPRESENTATIVE(S) FOR APPLICANT/PETITIONER**

Relationship to Property Owner (Example – Spouse, Attorney, Engineer) \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Relationship to Property Owner (Example – Spouse, Attorney, Engineer) \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**Describe what is proposed for this property:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Existing Utilities: Town Water & Sewer \_\_\_\_\_ Private Well & Septic \_\_\_\_\_ Town Water & Septic \_\_\_\_\_

Proposed Utilities: Town Water & Sewer \_\_\_\_\_ Private Well & Septic \_\_\_\_\_ Town Water & Septic \_\_\_\_\_

**ZONING DETERMINATION**

The Board recommends that the Applicant/Petitioner schedule an appointment with the Zoning Enforcement Officer to assist with this portion of the application.

Call the Building Department at (508) 910-1820 for appointment.

**Zoning District** \_\_\_\_\_

**Is this property located in any overlay district?** Yes \_\_\_\_ No \_\_\_\_

If yes, which overlay district? \_\_\_\_\_

**Is this property located in the flood zone?** Yes \_\_\_\_ No \_\_\_\_

**Has there been action taken by the Board of Appeals regarding this property?** Yes \_\_\_\_ No \_\_\_\_

If yes, when? \_\_\_\_\_

**State the exact nature of action or relief requested by this application and cite the applicable by-law(s) and/or by-law section(s).**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Zoning Enforcement Officer Comment:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Zoning Enforcement Officer's Signature (Recommended):** \_\_\_\_\_

**Date:** \_\_\_\_\_



**SIGNATURE SHEETS**

The Board recommends that you meet with the following offices prior to submitting your application. If a department does not apply to your case, write N/A (not applicable) on the signature line.

**PLANNING DEPARTMENT – (508) 910-1816**

Meet with the Planning Director:

- For all projects

Comment:

---

---

**Planning Director's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**BOARD OF HEALTH – (508) 910-1804**

Meet with the Director of Public Health if:

- You are requesting an expansion or addition to a residential/commercial structure
- The subject property is in the Aquifer District, Flood Zone, or an environmentally sensitive area
- There are septic system or private well concerns
- Your proposal involves food or hazardous waste

Comment:

---

---

**Director of Public Health's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**CONSERVATION – (508) 910-1822**

Meet with the Environmental Affairs Coordinator:

- To see if any of their regulations apply
- To file an A-1 site inspection for any type of construction that may occur
- If the subject property has any potential wetland issues
- If the subject property is in the Aquifer District, Flood Zone, or an environmentally sensitive area

Comment:

---

---

**Environmental Affairs Coordinator Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**SOIL BOARD – (508) 910-1804**

Meet with the Soil Board Agent:

- If any type of dredging, digging, or mining is being performed on the parcel in question.

Comment:

---

---

---

**Soil Board Agent Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DEPARTMENT OF PUBLIC WORKS – (508) 999-0740 Ext. 220**

All plans involving the construction of roads and/or utilities must be seen by the Department of Public Works prior to submission.

The DPW will require a fee for plans involving road construction, drainage, water or sewer mains and services.

Comment:

---

---

---

**Director of Public Works Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**More Contact Information**

Select Board's Office (508) 910-1813

Town Clerk (508) 910-1800

**Fire Departments**

District 1 – (508) 996-1596

District 2 – (508) 636-2441

District 3 – (508) 994-6761

Safety Officer (508) 910-1754

Zoning Board of Appeals-Principal Clerk Assistant (508-910-1868)



# Town of Dartmouth

Office of the Zoning  
Board of Appeals

400 Slocum Road, Dartmouth, MA 02747  
Telephone (508) 910-1868 ♦ Fax (508) 910-1833

## Z-1 APPLICATION VARIANCE/CHANGE OF USE VARIANCE

CASE # \_\_\_\_\_  
(Assigned by Zoning Staff Assistant)

### SUBJECT PROPERTY ADDRESS

\_\_\_\_\_

Map(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Book(s) & Page(s) \_\_\_\_\_

### PROPERTY OWNER:

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

PRESENT OWNERSHIP SINCE: \_\_\_\_\_

APPLICANT/PETITIONER, IF DIFFERENT FROM OWNER: \_\_\_\_\_

### REPRESENTATIVE(S) FOR APPLICANT/PETITIONER

Relationship to Property Owner (Example – Spouse, Attorney, Engineer) \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Relationship to Property Owner (Example – Spouse, Attorney, Engineer) \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

### Describe what is proposed for this property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Existing Utilities: Town Water & Sewer \_\_\_\_\_ Private Well & Septic \_\_\_\_\_ Town Water & Septic \_\_\_\_\_

Proposed Utilities: Town Water & Sewer \_\_\_\_\_ Private Well & Septic \_\_\_\_\_ Town Water & Septic \_\_\_\_\_

**ZONING DETERMINATION**

The Board recommends that the Applicant/Petitioner schedule an appointment with the Zoning Enforcement Officer to assist with this portion of the application.

Call the Building Department at (508) 910-1820 for appointment.

**Zoning District** \_\_\_\_\_

**Is this property located in any overlay district?** Yes \_\_\_\_ No \_\_\_\_

If yes, which overlay district? \_\_\_\_\_

**Is this property located in the flood zone?** Yes \_\_\_\_ No \_\_\_\_

**Has there been action taken by the Board of Appeals regarding this property?** Yes \_\_\_\_ No \_\_\_\_

If yes, when? \_\_\_\_\_

**State the exact nature of action or relief requested by this application and cite the applicable by-law(s) and/or by-law section(s).**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Zoning Enforcement Officer Comment:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Zoning Enforcement Officer's Signature (Recommended):** \_\_\_\_\_

**Date:** \_\_\_\_\_





**SIGNATURE SHEETS**

The Board recommends that you meet with the following offices prior to submitting your application. If a department does not apply to your case, write N/A (not applicable) on the signature line.

**PLANNING DEPARTMENT – (508) 910-1816**

Meet with the Planning Director:

- For all projects

Comment:

---

---

**Planning Director's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**BOARD OF HEALTH – (508) 910-1804**

Meet with the Director of Public Health if:

- You are requesting an expansion or addition to a residential/commercial structure
- The subject property is in the Aquifer District, Flood Zone, or an environmentally sensitive area
- There are septic system or private well concerns
- Your proposal involves food or hazardous waste

Comment:

---

---

**Director of Public Health's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**CONSERVATION – (508) 910-1822**

Meet with the Environmental Affairs Coordinator:

- To see if any of their regulations apply
- To file an A-1 site inspection for any type of construction that may occur
- If the subject property has any potential wetland issues
- If the subject property is in the Aquifer District, Flood Zone, or an environmentally sensitive area

Comment:

---

---

**Environmental Affairs Coordinator Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**SOIL BOARD – (508) 910-1804**

Meet with the Soil Board Agent:

- If any type of dredging, digging, or mining is being performed on the parcel in question.

Comment:

---



---



---

**Soil Board Agent Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DEPARTMENT OF PUBLIC WORKS – (508) 999-0740 Ext. 220**

All plans involving the construction of roads and/or utilities must be seen by the Department of Public Works prior to submission.

The DPW will require a fee for plans involving road construction, drainage, water or sewer mains and services.

Comment:

---



---



---

**Director of Public Works Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**More Contact Information**

Select Board's Office (508) 910-1813

Town Clerk (508) 910-1800

**Fire Departments**

District 1 – (508) 996-1596

District 2 – (508) 636-2441

District 3 – (508) 994-6761

Safety Officer (508) 910-1754

Zoning Board of Appeals-Principal Clerk Assistant (508-910-1868)



# Town of Dartmouth

Office of the Zoning  
Board of Appeals

400 Slocum Road, Dartmouth, MA 02747  
Telephone (508) 910-1868 ♦ Fax (508) 910-1833

## Z-1 APPLICATION AMENDMENT

**CASE #** \_\_\_\_\_

(Assigned by Zoning Staff Assistant)

### SUBJECT PROPERTY ADDRESS

\_\_\_\_\_

Map(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Book(s) & Page(s) \_\_\_\_\_

### PROPERTY OWNER:

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

PRESENT OWNERSHIP SINCE: \_\_\_\_\_

APPLICANT/PETITIONER, IF DIFFERENT FROM OWNER: \_\_\_\_\_

### REPRESENTATIVE(S) FOR APPLICANT/PETITIONER

Relationship to Property Owner (Example – Spouse, Attorney, Engineer) \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Relationship to Property Owner (Example – Spouse, Attorney, Engineer) \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

### Describe what is proposed for this property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Existing Utilities: Town Water & Sewer \_\_\_\_\_ Private Well & Septic \_\_\_\_\_ Town Water & Septic \_\_\_\_\_

Proposed Utilities: Town Water & Sewer \_\_\_\_\_ Private Well & Septic \_\_\_\_\_ Town Water & Septic \_\_\_\_\_

**ZONING DETERMINATION**

The Board recommends that the Applicant/Petitioner schedule an appointment with the Zoning Enforcement Officer to assist with this portion of the application.

Call the Building Department at (508) 910-1820 for appointment.

Zoning District \_\_\_\_\_

Is this property located in any overlay district? Yes \_\_\_ No \_\_\_

If yes, which overlay district? \_\_\_\_\_

Is this property located in the flood zone? Yes \_\_\_ No \_\_\_

This application is a request to amend Decision Case # \_\_\_\_\_

State why an amendment is needed and cite the applicable by-law(s) and/or by-law section(s).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zoning Enforcement Officer Comment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zoning Enforcement Officer's Signature (Recommended): \_\_\_\_\_

Date: \_\_\_\_\_



**SIGNATURE SHEETS**

The Board recommends that you meet with the following offices prior to submitting your application. If a department does not apply to your case, write N/A (not applicable) on the signature line.

**PLANNING DEPARTMENT – (508) 910-1816**

Meet with the Planning Director:

- For all projects

Comment:

---

---

**Planning Director's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**BOARD OF HEALTH – (508) 910-1804**

Meet with the Director of Public Health if:

- You are requesting an expansion or addition to a residential/commercial structure
- The subject property is in the Aquifer District, Flood Zone, or an environmentally sensitive area
- There are septic system or private well concerns
- Your proposal involves food or hazardous waste

Comment:

---

---

**Director of Public Health's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**CONSERVATION – (508) 910-1822**

Meet with the Environmental Affairs Coordinator:

- To see if any of their regulations apply
- To file an A-1 site inspection for any type of construction that may occur
- If the subject property has any potential wetland issues
- If the subject property is in the Aquifer District, Flood Zone, or an environmentally sensitive area

Comment:

---

---

**Environmental Affairs Coordinator Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**SOIL BOARD – (508) 910-1804**

Meet with the Soil Board Agent:

- If any type of dredging, digging, or mining is being performed on the parcel in question.

Comment:

---

---

---

Soil Board Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**DEPARTMENT OF PUBLIC WORKS – (508) 999-0740 Ext. 220**

All plans involving the construction of roads and/or utilities must be seen by the Department of Public Works prior to submission.

The DPW will require a fee for plans involving road construction, drainage, water or sewer mains and services.

Comment:

---

---

---

Director of Public Works Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**More Contact Information**

Select Board's Office (508) 910-1813

Town Clerk (508) 910-1800

Fire Departments

District 1 – (508) 996-1596

District 2 – (508) 636-2441

District 3 – (508) 994-6761

Safety Officer (508) 910-1754

Zoning Board of Appeals-Principal Clerk Assistant (508-910-1868)

**DRAFT**

# ***Town of Dartmouth***



OFFICE OF THE ZONING  
BOARD OF APPEALS  
400 Slocum Road, Dartmouth, MA 02747

## **RULES AND REGULATIONS GOVERNING THE PROCEDURES OF THE ZONING BOARD OF APPEALS**

**Revised: \_\_\_\_\_, 2013**



## TABLE OF CONTENTS

### Article I - Organization

<b>Section</b>	<b>1</b>	<b>Members and Officers</b>	<i>pg</i>
	1.1	Chairman	
	1.2	Clerk	
	1.3	Associate Members	
<b>Section</b>	<b>2</b>	<b>Zoning Support Staff</b>	<i>pg.</i>
<b>Section</b>	<b>3</b>	<b>Quorum</b>	<i>pg</i>
<b>Section</b>	<b>4</b>	<b>Resignations</b>	<i>pg.</i>

### Article II - Functions of the Board

<b>Section</b>	<b>1</b>	<b>Public Hearings</b>	<i>pg</i>
	1.1	Schedule	
	1.2	Public Notice	
	1.3	Hearings	
	1.4	Site Visits	
	1.5	Representation and Absence	
	1.6	Hearing Procedure	
	1.7	Findings and Decision	
	1.8	Voting	
	1.9	Extensions	
	1.10	Filing and Recording	
	1.11	Reconsideration	
	1.12	Withdrawal	
<b>Section</b>	<b>2</b>	<b>Public Meetings</b>	<i>pg</i>

### Article III - Applications to the Board

<b>Section</b>	<b>1</b>	<b>Application Requirements</b>	<i>pg</i>
	1.1	Signatures	
	1.2	Plans	
	1.3	Colored Photos	
	1.4	Other Documents	
<b>Section</b>	<b>2</b>	<b>Filing</b>	<i>pg</i>
<b>Section</b>	<b>3</b>	<b>Types of Applications &amp;</b>	

		<b>Time Requirements</b>	pg
	3.1	Special Permits	
	3.2	Variance/Change of Use Variance	
	3.3	Amendment to Existing Decision	
	3.4	Administrative Appeal	
	3.5	Comprehensive Permit	
	3.6	Six-Month Extension	
<b>Section</b>	<b>4</b>	<b>Application/Filing Fees</b>	<b>pg</b>
	4.1	Application Fees	
	4.2	Advertising Fee	
	4.3	Other Fees	
<b>Section</b>	<b>5</b>	<b>Other Forms</b>	
	5.1	Agreement to Extend Statutory Deadlines Under M.G.L. Chapter 40A	
	5.2	Requests for Public Meeting	
<b>Section</b>	<b>6</b>	<b>Official Zoning Board of Appeals Applications and Forms</b>	<b>pg.</b>
<b>Article IV- Adoption</b>			<b>pg</b>
<b>Appendix A – Fee Schedule</b>			<b>pg.</b>
<b>Appendix B – Zoning Board of Appeals Forms</b>			<b>pg.</b>
<b>Appendix C – Aquifer Protection Special Permit Report</b>			<b>pg.</b>

**TOWN OF DARTMOUTH**  
**ZONING BOARD OF APPEALS**  
**MEMBER TERM EXPIRATIONS**

<b><u>MEMBER</u></b>	<b><u>TITLE</u></b>	<b><u>TERM EXPIRATION</u></b>
Jacqueline Figueiredo	Chairman	May 31, 2014
Halim Choubah, P.E.	Clerk	May 31, 2016
Robert Gardner	Member	May 31, 2015

**ASSOCIATE MEMBER**

Jay Peabody, Esq.	Associate Member	May 31, 2016
David D. Dore	Associate Member	May 31, 2015
Kevin A. Melo	Associate Member	May 31, 2014

**ZONING STAFF ASSISTANT**

Tina Cabral

*Membership is subject to change, therefore, this page of the Rules and Regulations shall be updated annually in the month of May.*

## RULES AND REGULATIONS

The Dartmouth Zoning Board of Appeals, pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 12, hereby adopts the following Rules and Regulations governing the organization, procedures and conduct of the Board, and governing review and action on special permits, variances, appeals, extensions, and comprehensive permits.

If there is any conflict between these Rules and Regulations and the General Laws of the Commonwealth of Massachusetts pertaining to zoning, then the Laws of the Commonwealth of Massachusetts shall govern in such cases then there should not be any conflict between the provisions of these Rules and Regulations and the Zoning By-laws of the Town of Dartmouth, then those provisions of the Zoning By-laws shall govern.

### ARTICLE I – ORGANIZATION

#### Section 1: Members and Officers

The Zoning Board of Appeals shall consist of three members and three associate members, all residents of the Town of Dartmouth and appointed by the Select Board. The members shall elect all officers of the Zoning Board annually; officers consist of a Chairman, Clerk and Member. The members shall also adopt and/or amend these Rules and Regulations.

Appointments for members and associate members shall be made for three years and shall be staggered so as to limit the yearly change of memberships.

**1.1 Chairman** – In addition to the powers granted by the Massachusetts General Laws and the Dartmouth Zoning By-laws and subject to these Rules and Regulations, the Chairman shall transact the official business of the Board, advise zoning staff, appoint such committees as necessary and desirable, direct the general work of the Board, and exercise general supervisory power. He/she shall report any official transactions that have not otherwise come to the attention of the Board at the appropriate hearing/meeting.

The Chairman shall be responsible for the orderly conduct of the Board's business, whether conducted during a public hearing or a public meeting. The Chairman may use his/her discretion to rule out of order unsolicited or irrelevant comments made by members of the public. All points of order subject to these rules shall be decided by the Chairman unless overruled by a majority of the Board in session at the time.

**1.2 Clerk** – The Clerk shall be a member of the Board and shall, in the absence of the staff assistant and subject to review by the Chairman, supervise all of the clerical work of the Board including: reviewing all correspondence of the Board, sending all notices required by law, preparing rules and orders of the Board, reviewing all applications for