

MINUTES



TOWN OF DARTMOUTH
Office of the Zoning Board of Appeals
400 Slocum Road, Dartmouth, Massachusetts 02747
(508) 910-1868

DATE OF HEARING: OCTOBER 8, 2013

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DARTMOUTH TOWN CLERK

CASE: SPECIAL PERMIT
CASE NO: 2013-32
Petitioner/Applicant: Derek Arruda
Property Owners: Jose Arruda and Jose Lima
Subject Property: 18 Howland St, Dartmouth, MA 02748
MAP: 128 **LOT:** 133
District: General Residence

PRESENT: The Board, Acting Chairman, Halim Choubah, Robert Gardner, and Jay Peabody. Alternate Board Members, Kevin Melo, David Dore, and Principal Clerk Assistant Tina Cabral

ABSENT: Chairman Jacqueline Figueiredo

Also Present: Derek Arruda, Jose Lima and Jose Arruda

7:15 P.M. Acting Chairman Choubah opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on Tuesday, October, 2013 at 6:45 p.m. in Meeting Room #304, Town Office Building, 400 Slocum Road, Dartmouth, MA on the petition of Derek Arruda to construct two (2) Dormers on both right and left side of property's roof. The subject property is situated on 18 Howland St, Dartmouth, MA in the General Residence District and identified on Assessor's Map 128 as Lot 133. 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: The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, September 25, 2013 and Wednesday, October 2, 2013.

ABUTTER'S LIST: Robert Gardner 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

- Special Permit application time-stamped with the Town Clerk on September 11, 2013
- Certified Abutter's List
- Assessor's card for Lot 133
- Letter from Planning Director, Donald Perry, dated October 1, 2013
- Drawing by Lino Pereira-Architectural Drafting dated August 5, 2013

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Acting Chairman Choubah read into the record a letter from Planning Director, Donald Perry, dated October 1, 2013.

Acting Chairman Choubah invited the Petitioner or representative to present the case.

Derek Arruda, Contractor

Mr. Arruda stated that the property is owned by his father and grandfather and was purchased in May of 2013. They are in the process of renovating the existing home and would like to construct two (2) Dormers on both right and left sides of the roof on the existing non-conforming structure.

Acting Chairman Choubah invited any board members to ask questions.

Robert Gardner

Commented that he went out to view the property and was impressed with the improvements made to the property and stated that said improvements to the property have enhanced the appearance of the neighborhood.

No further questions by board members.

Acting Chairman Choubah invited public comments regarding this project.

No public comments.

The Board made findings:

- Locus property at 18 Howland St, Dartmouth, MA as identified on Map 128 as Lot 133 and located in the General Residence District
- The present owners of the property are Jose Lima and Jose Arruda and purchased the property on May 22, 2013, and they desire to expand/renovate the existing home
- The petitioner, Derek Arruda, is seeking a Special Permit to add two (2) Dormers on both right and left side of roof to the existing home pursuant to Section 3B.202
- Pursuant to Section 3B.202, the existing home is a protected, non-conforming structure
- In Planning Director's letter of October 1, 2013, Mr. Perry states that the existing home is already non-conforming with respect to setbacks
- Two (2) proposed architectural drawings by Lino Pereira-Architectural Drafting were submitted dated August 5, 2013 with the Special Permit application
- Proposed expansion is within the existing footprint of the building
- Proposed addition height would be below the existing roof ridge of the building
- Proposed expansion is within the required setbacks
- Proposed expansion would enhance the appearance of the existing building and would not be detrimental to the neighborhood

The Board made the following conditions:

- The usual permits subject to standard Town Board/Agencies' approvals and conditions
- Pursuant to Section 3B.202, the proposed project meets the conditions for granting the Special Permit.

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- Submitted architectural drawings on record dated August 5, 2013

Jay Peabody motioned to close the public hearing which motion was seconded by Robert Gardner. Motion passed unanimously.

*Robert Gardner makes the motion to **GRANT the SPECIAL PERMIT** based upon the findings and conditions as stated. Motion was seconded by Jay Peabody. Motion passed unanimously.*

7:30 P.M. Hearing adjourned

Tina Cabral

Tina Cabral, Principal Clerk
For the Zoning Board of Appeals

Date of Approval: 10/29/13

APPROVED

MINUTES



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DATE OF HEARING: OCTOBER 8, 2013

CASE: VARIANCE
CASE NO: 2013-31
Representative: SITEC, Inc.
Petitioner/Applicant: Summit Smith Healthcare Facilities, Inc.
Property Owners: North Dartmouth 2005, LLC and North Dartmouth Land Acquisition 2011, LLC
Subject Property: Faunce Corner Road, Dartmouth, MA 02747
MAP: 68 LOTS: 29-1, 31 and 32
District: Office Industrial

PRESENT: The Board Acting Chairman, Halim Choubah, Robert Gardner, and Jay Peabody, Alternate Board Members, Kevin Melo, David Dore and Principal Clerk Assistant, Tina Cabral

ABSENT: Chairman Jacqueline Figueiredo

Also Present: Steven D. Gioiosa, P.E., SITEC, INC. and Sean Roberts, Developer, Summit Smith Healthcare Facilities, Inc.

6:30 P.M. Acting Chairman Choubah opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on Tuesday, October 8, 2013 at 6:30 p.m. in Meeting Room #304, Town Office Building, 400 Slocum Road, Dartmouth, MA on the petition of Summit Smith Healthcare Facilities, Inc. who is seeking a VARIANCES to allow the construction of a medical office building with associated parking and utilities as part of an expansion of an existing office campus and to allow an elevated walkway to connect 535 Faunce Corner Road, Dartmouth, MA with a new Medical Office Building. The subject property is situated on Faunce Corner Road, Dartmouth, MA in the Office Industrial District and identified on Assessor's Map 68 as Lots 29-1, 31 and 32. (Section 14A.404-Development Standards-Setbacks)

ADVERTISED: The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, September 25, 2013 and Wednesday, October 2, 2013.

ABUTTER'S LIST: Robert Gardner 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.

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DOCUMENTS ON FILE

- Variance application time-stamped with the Town Clerk on September 10, 2013 with attached brief
- Assessor's cards for lots 29-1, 29-2, 31 and 32
- Certified Abutter's List dated September 13, 2013
- Letter from Planning Director, Donald Perry, dated October 1, 2013
- Memorandum from SITEC, INC. to Planning Board dated September 30, 2013
- Memorandum from Planning Director, Donald Perry, dated October 3, 2013 to Department of Public Works, Director of Inspectional Services, Safety Officer and Fire Chief #3
- ANR Plan prepared for North Dartmouth Land Acquisition 2011, LLC dated July 31, 2013
- Property photos
- Zoning Exhibit Plan dated July 16, 2013
- Minutes, Decision, and Supporting Documents for Variance Case# 2006-16

Acting Chairman Choubah read into the record a letter from Planning Director, Donald Perry, dated October 1, 2013.

Acting Chairman Choubah invited the Petitioner or representative to present the case.

Steven D. Gioiosa, P.E.,/SITEC, INC.

The medical office building located at 535 Faunce Corner Road was constructed in 2005-2006. This building was positioned on the property to meet applicable zoning and to avoid conflicting with a gas transmission easement that runs in an east/west direction from Faunce Corner Road. This unique site feature limited the positioning of the building as well as the supporting utility systems. As the need for additional medical space arose, a second free standing building was constructed to the east of 535 Faunce Corner Road. This new building is located on Assessor's Map 68, Lot 29-2. There was a need for additional office space which prompted the Petitioner to acquire Lots 31 and 32 in 2011. With the addition of these two lots a third building has been designed to enhance and facilitate medical services. In order to create these separate building sites, an Approval Not Required Plan ("ANR") was prepared and endorsed by the Planning Board and recorded at the Registry of Deeds in Plan Book 170, Page 85. Due to the fact that the gas transmission line passes between these two buildings, a conventional connection of the two buildings is prohibited. The Petitioner is proposing the necessity of an elevated bridge connection (walkway) connecting the two buildings. This elevated walkway will provide an important link for patients and staff who must move from one building to the other without being exposed to the elements of outside. This elevated walkway will also improve public safety by eliminating additional pedestrian/traffic interaction. The bridge connection is proposed to the rear of the building, limiting its visibility from adjacent properties or the public way.

Acting Chairman Choubah invited any board members to ask questions.

Jay Peabody

Inquired of the Petitioner to specify on the Site Plan where the lot lines are and who owned each lot.

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Steven D. Gioiosa

Visually explained where each parcel lot lines were and explained that an ANR Plan was prepared to show a re-division of the three subject properties and to allow individual buildings to be on separate parcels for property management and financing purposes. North Dartmouth 2005, LLC and North Dartmouth Land Acquisition 2011 LLC are owned by Summit Smith Healthcare Facilities, Inc.

Board members had a lengthy discussion with Mr. Gioiosa about the lot lines, abutting properties and owners of the lots on the subject property.

Robert Gardner

Questioned if there was an egress and a cross access.

Steven D. Gioiosa

Answered yes there is an egress and a cross access. He also stated that he had numerous discussions with the Fire Chief about the egress of the property and the Fire Chief had reviewed and accepted the proposed plan.

No further questions by board members.

Acting Chairman Choubah invited public comments regarding this project.

No public comments.

The Board made findings:

- Locus properties on Faunce Corner Road, Dartmouth, MA as identified on Assessor's Map 68 as Lots 29-1, 31 and 32
- Building at 535 Faunce Corner Road is located on Lot 29-1 and is owned by North Dartmouth 2005, LLC
- A second free standing building was constructed to the east of 535 Faunce Corner Road and is located on Lot 29-2
- A new three story medical office building will be constructed on Lots 31 and 32 and these Lots are owned by North Dartmouth Land Acquisition 2011, LLC
- Lot 29-1 Deed reference is located at Registry of Deeds in Book 7394, Page 88; Lots 31 and 32 Deed reference is located in Book 10144, Pages 97 and 101
- Variance approval for Lot 29-1, Case#2006-54 to allow plantings within a utility easement
- An ANR Plan was prepared by SITEC, INC. dated July 31, 2013 on behalf of North Dartmouth Land Acquisition 2011, LLC. The plan was endorsed by the Planning Board on August 20, 2013 and recorded at the Registry of Deeds in Book 170, Page 85. The ANR plan shows a re-division of the three subject properties and will allow individual buildings to be on separate parcels for property management and financing purposes. The existing building, which meets required setbacks, is located on Parcel 1. The new facility will be constructed on Parcel 2, and it will also meet required setbacks. North Dartmouth 2005, LLC and North Dartmouth Land Acquisition 2011, LLC are owned by Summit Smith Healthcare Facilities, Inc.

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- A Variance was approved in Case#2006-54 to allow plantings within a utility easement
- The Petitioner is seeking a Variance to construct a bridge connection (walkway) for the existing building on Lot 29-1 (Parcel 1) to a proposed three story medical office building that will be constructed on abutting Lots 31 and 32 Parcel 2).
- In order to provide ease of access and movement between buildings, the bridge easement is located between the buildings, a conventional connection is prohibited
- A Variance for setbacks pursuant to Section 14A.404 is needed because the proposed covered elevated bridge will span across property boundaries
- Wetlands are located on portions of the locus property
- Buildings on the property are situated based on topography as there are significant grade changes
- According to the Environmental Affairs Coordinator, the Petitioner has received the necessary permit from the Conservation Commission
- There is a gas transmission line with associated easement, which passes between the two buildings
- The gas line and easement prohibits a conventional connection of the two buildings.
- The elevated connection is necessary for the operation of the two buildings as part of the medical complex.
- Petitioner/Owner of property had several meetings within the gas company to explore options of connecting the two building structures with minimal impacts to existing gas easement. The parties agreed that an elevated bridge structure would be an acceptable option to the gas company. Bridge height was designed to allow the movement of fire trucks and construction equipment under bridge for maintenance and repair of existing gas lines when necessary
- The Board found that the requested Variance does meet the statutory requirements for granting a Variance pursuant to Massachusetts General Laws Chapter 40A §10.

Robert Gardner motioned to close the public hearing which motion was seconded by Jay Peabody. Motion passed unanimously.

*Jay Peabody makes the motion to **GRANT** the **VARIANCE** based upon the findings as stated. Motion was seconded by Robert Gardner and motion passed unanimously.*

7:15 P.M. Hearing adjourned

Tina Cabral

Tina Cabral, Principal Clerk
For the Zoning Board of Appeals

Date of Approval: 10/29/13

APPROVED

ADMINISTRATIVE MINUTES



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PRESENT: The Board, Acting Chairman, Halim Choubah, Robert Gardner, Alternate Members, Jay Peabody, David Dore and Kevin Melo, and Principal Clerk Assistant, Tina Cabral

ABSENT: Jacqueline Figueiredo, Chairman

6:00 P.M. Acting Chairman Choubah opened the meeting

ADMINISTRATIVE

The Board unanimously approved the following Minutes:

- Administrative Minutes of September 24, 2013
- Case 2013-29 Kraseman Street
- Case 2013-30 728 Dartmouth Street

The Board unanimously voted to continue discussion and review of the Rules and Regulations Governing the Procedures of the Board of Appeals to the next hearing of October 29, 2013 at 6:00 p.m.

6:10 P.M. Adjournment

Tina Cabral

Tina Cabral, Principal Clerk
For the Zoning Board of Appeals

Date of Approval: 10/29/13

APPROVED

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