



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

MINUTES

DATE OF HEARING: MARCH 4, 2014
CASE: SPECIAL PERMIT
CASE NO: 2014-9
Petitioner/Applicant: Emanuel Correia
Property Owner: Jose L. Correia, et al
Representative: Manuel B. Garcia, P.E.
Subject Property: 89 William Street
District: General Residence MAP: 123 LOT: 212
Bristol County S.D. Registry of Deeds BOOK: 10915, PAGE: 254

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DARTMOUTH TOWN CLERK

PRESENT: The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah, Robert Gardner, Associate Board Member, Kevin Melo, and Principal Clerk Assistant, Tina Cabral

ABSENT: Associate Member David Dore

ALSO PRESENT: Manuel B. Garcia, P.E., Emanuel Correia & Other Interested Parties

7:08 P.M. Chairman Figueiredo opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, March 4, 2014 at 6:50 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Emanuel Correia, who is seeking a SPECIAL PERMIT to construct a proposed second level, consisting of only bedrooms, on the existing two-family, single-level duplex structure. The proposal will be constructed to resemble a Cape Cod Style home. The property is located at 89 William Street in the General Residence District and identified on Assessor's Map 123 as Lot 212. Information is on file in the office of the Board of Appeals and may be seen upon request. (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, February 19, 2014 and Wednesday, February 26, 2014.

ABUTTER'S LIST: Robert Gardner motioned to waive the reading of the abutter's list into the record, which was seconded by Halim Choubah. 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 with brief and time-stamped with the Town Clerk on 2/10/14
- Legal Ad
- Certified Abutter's List
- Vision Appraisal Card
- Photos of property/existing structure
- Letters (with attachments) from abutters, Louise Guy and Carol Marlin
- Petition signed by 32 residents in opposition to proposal
- Letter from Planning Director, Donald Perry, dated 2/25/14
- Letter from Director of Inspectional Services, Paul Murphy, dated 9/18/13

Chairman Figueiredo read into the record a letter from Planning Director, Donald Perry, dated 2/25/14 as well as comments from the Director of Public Health, Wendy Henderson, dated 2/7/14.

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

MANUEL B. GARCIA, P.E.: The subject property is owned by Petitioner's parents, Jose L. Correia, et al, and was purchased on October 2, 2013. According to the Town Assessor's records, the dwelling consists of 1,856 s.f. gross living area; it was constructed in 1950, and it was considered a one-story two-family duplex on a .11 acre parcel lot. The existing structure is a Mediterranean style building with a flat roof and stucco finish exterior. One unit contains three bedrooms, and the other unit contains two bedrooms (total of five bedrooms). There exists one off-street parking space on the west side of the lot. Petitioner is proposing to gut the interior of the units, construct a second level to relocate three of the five bedrooms, add two walk-in closets (one in each unit), add two bathrooms (one in each unit), and construct a wooden deck and an additional driveway. The reconstructed structure will resemble that of a Cape Cod style residence and fit in aesthetically in the neighborhood.

CHAIRMAN FIGUEIREDO: Questioned Mr. Garcia who had drawn the renderings that were submitted with the Certified Plot Plan by Romanelli Associates, Inc., dated 11/19/2013.

MANUEL B. GARCIA, P.E.: Answered that they were drawn by J.C. Clocks (the property owner's company).

CHAIRMAN FIGUEIREDO: Commented that through her GIS Map research there is one vacant lot which abuts the subject property and all other surrounding properties are single family homes with lot sizes varying from .11 to .57 acres. The subject property is a legal non-conforming grandfathered structure as determined by the Town By-laws and as stated by the Zoning Enforcement Officer/Director of Inspectional Services' letter dated September 18, 2013.

She also expressed her concerns with the drawings submitted with the application. The plan shows a setback reduction on the west side of the lot from 8'4" to 7'10"; an additional curb cut and driveway on the east side of the structure which would reduce the setback on that side from 10'7" to 0, and increase lot coverage from 2,284 s.f. to 2,468 s.f.. Additionally, the plan drawings do not specify the setbacks for the new porch, steps and walkway.

MANUEL B. GARCIA, P.E.: Responded that there are other duplex homes in the surrounding neighborhood and the entire neighborhood is very intense.

CHAIRMAN FIGUEIREDO: Reiterated to Mr. Garcia that Petitioner is reducing the setbacks and increasing the non-conformity of the lot and structure.

Chairman Figueiredo invited any board members to ask questions.

HALIM CHOUBAH: Questioned if the expansion is in the height of the structure and not changing the footprint of the structure and will the foundation be strong enough to hold a second floor level.

MANUEL B. GARCIA, P.E.: Answered yes (to the expansion), except for two small additions. The framing will be taken out and the existing crawl space will be filled with a slab which will give enough support to the building to hold the second floor. The existing structure is made up of masonry with stucco exterior, and 2 1/2" of vinyl siding will be placed over that stucco exterior.

A lengthy discussion ensued relative to the setbacks and insufficient information on submitted plans and drawings.

No further questions by board members.

CHAIRMAN FIGUEIREDO: Commented that a Petition signed by 33 residents, who are in opposition to this project, has been received, as well as two letters with attachments from abutters who also oppose this project. Chairman Figueiredo read those two letters into the record.

Chairman Figueiredo invited public comments regarding this project.

THE FOLLOWING RESIDENTS RAISED THEIR CONCERNS AND ISSUES WITH THE PROPOSAL:

WARREN BROUGHTON

- Subject property, as it exists, contains small bedrooms and is not livable.
- Worried where residents will park
- The addition of another off street parking driveway will create more cars and traffic on street.
- If there are five bedrooms then there could be five vehicles needing to be parked on the street.
- Abundance of vehicles could cause havoc for children and pets in the neighborhood.
- The street is too narrow for snow plowing when cars are parked on the street.
- The street won't be safe for a fire engine to drive up and down with cars parked on the street.

WALTER FARIA

- Concerned with residents taking advantage of small lots in the neighborhood
- Property may have been built into a duplex illegally.
- Property has been occupied by one family only all these years.
- There are small bedrooms that are that of the size of closets.
- Adding a second level to the property will be detrimental to the neighborhood.
- There will be too many vehicles.

ANDREW PEPPARD

- Four bedrooms would be sufficient for the dwelling as the addition of a fifth bedroom will add the need for additional parking on the street.
- The street is too long and dangerous to have additional cars parking on the street.

BARBARA (last name unknown)

- Has two young children and is concerned with additional vehicles parking on street.
- Feels this proposal, if approved, will be problematic to the neighborhood.

KEVIN ESTES

- Feels additional parking will be negative for the neighborhood and agrees with all other Town residents' concerns.

MANUEL B. GARCIA, P.E.: Reported that the Petitioner would be willing to redesign the proposed structure to have 2 bedrooms in each unit, and would be willing to eliminate the additional curb cut/off-street parking space on the east side of the structure.

A further lengthy discussion by Board members ensued relative to concerns raised by Town residents concerning the additional off-street parking, setbacks, and insufficient information on the submitted plans and drawings.

CHAIRMAN FIGUEIREDO: Suggested to the Petitioner and the Board that the case be continued to allow the Petitioner to submit a revised site plan that would include with proper dimensions, 2 bedrooms in each unit for a total of 4 rather than 5 bedrooms in the structure, and inclusion of the additional off-street parking space.

Halim Choubah makes the motion to continue this hearing to Tuesday, April 29, 2014. Motion was seconded by Robert Gardner and motion passed unanimously.

8:25 P.M. Hearing adjourned

Tina Cabral

Tina Cabral, Principal Clerk

Zoning Board of Appeals

Date of approval: 4-29-14