



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

ADMINISTRATIVE MINUTES

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2014 APR 9 PM 2 15
DARTMOUTH TOWN CLERK

DATE OF HEARING: MARCH 4, 2014

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

6:10 P.M. Chairman Figueiredo opened the meeting, Pledged the Flag and Moment of Silence

ADMINISTRATIVE

The Board unanimously voted and approved the following:

- Administrative Minutes of February 25, 2014 Meeting
- Minutes for Variance Case 2014-4, February 25, 2014
- Minutes for Special Permit Case 2013-3, February 25, 2014
- Minutes for Special Permit Case 2014-6, February 25, 2014
- Minutes for Special Permit Case 2014-7, February 25, 2014

DISCUSSION: The Board reviewed and made further revisions to the Rules and Regulations of the Board of Appeals:

Section 3: Types of Applications and Time Requirements:

3.1-Special Permits-add "A public hearing on a petition for a Special Permit must be held within 65 days of accepting, date-stamping, and filing with the Town Clerk of a Special Permit application." Delete next sentence. In second paragraph after the word "whether" add "or not" and add "Special Permit at the end of same sentence. In last sentence, remove "such permits may impose" and add after the word "use" "may be included in the Board's decision to approve a Special Permit". In paragraph 3-last sentence replace the word "for" with "from". In paragraph 5-after the words "two years of the ..." in first sentence add: "granting date, such rights shall lapse. (remove "provided"), However, the Petitioner/Applicant may file an application for a six-month extension (one-time filing only) provided that this application is submitted prior to the expiration date of the two-year period. The Board will vote on whether or not to grant such an extension. This vote will be taken as an administrative item during a Board meeting". Strike the remaining sentences and add: "Should the Board not grant such extension within thirty days of the date of application, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of Massachusetts General Laws Chapter 40A, Section 9.

The Board deferred revision or inclusion of the following note at this time. At a future date, the Board will determine if this note belongs here and/or in the section related to hearings/conditions.

NOTE: The Board may require an Aquifer Protection Special Permit Report for applicable cases. See Appendix C.

Section 3.2-Variances/Change of Use Variances- strike first sentence and add: "A public hearing on a petition for a Variance must be held within 65 days of accepting, date-stamping and filing with the Town Clerk of a Variance application. In second paragraph outline add #3 paragraph #2 and add before last word in #3 "zoning". In third paragraph-last sentence replace the word "for" with "from". In fourth paragraph strike the word "the" in first sentence. In fifth paragraph last sentence strike the word "this" and add "a decision". In sixth paragraph,begin with the following: "If the rights authorized by a Variance are not exercised within one year of the granting date, such rights shall lapse. However, the Petitioner/Applicant may file an application for a six-month extension (one-time only) provided that this application is submitted prior to the expiration date of the one-year period. The Board will vote on whether or not to grant such extension. This vote will be taken as an administrative item during a Board meeting." Strike remaining paragraph and continue with "Should the Board not grant such extension within thirty days of the date of application, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of Massachusetts General Laws Chapter 40A, Section 10.

Section 3.3-Amendment to Existing Decision-Second paragraph-last sentence replace the word "for" with "from". Next paragraph-last sentence strike out the word "this" and add "an amendment decision".

Section 3.4-Administrative Appeals- Paragraph should read: "A decision made by an administration official may be appealed. To do so, an Administrative Appeal application must be filed within 30 days from the date of the order or decision of the administrative official. The application must specify the grounds for the appeal and may be filed with the Town Clerk in the absence of the Board's Principal Clerk. A copy of the Administrative Appeal application shall be filed by the petitioner with the Zoning Board of Appeals and with the officer or Board whose order or decision is being appealed." Next paragraph after the word "filing" add "the application with the Town Clerk". Last sentence remove "the application....Clerk." Next sentence after the word "and" add "results in". Next paragraph after the word "taken" add: "by a Petitioner/Applicant to affect the constructive grant:" and in 1st bullet add "/Applicant", 2nd bullet add "/Applicant" replace word "in" with "of".

The Board unanimously voted to end the discussion and review of the Rules and Regulations Governing the Procedures of the Board of Appeals as of the March 4, 2014 revisions. Board's Principal Clerk will print out a draft of the revised pages up to Section 3.4, and distribute to Board Members for their thorough review for any potential additions, comments and/or changes. Final revisions will be addressed upon the Board's Principal Clerk's return from medical leave sometime in late May or June. (*Further revisions of the Rules and Regulations will begin with Section 3.5-Comprehensive Permit.*)

6:30 P.M. Adjournment

Tina Cabral

Tina Cabral, Principal Clerk
For the Zoning Board of Appeals
Date of Approval: 4-8-14



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DATE OF HEARING: MARCH 4, 2014
 CASE: VARIANCE
 CASE NO: 2014-8
 Petitioner/Applicant: PRC1, Inc.
 Property Owner: Margaret A. Tomkiewicz, TR of Margaret A. Tomkiewicz Revocable Trust
 Representative: Christopher T. Saunders, Esq.
 Subject Property: 581 Faunce Corner Road
 District: Limited Industrial MAP: 68 LOTS: 28 & 29
 Bristol County S.D. Registry of Deeds BOOK: 10557 PAGE: 73
 Bristol County S.D. Registry of Deeds BOOK: 10557 PAGE: 77

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: Christopher T. Saunders, Esq. & Other Interested Parties

6:30 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 6:30 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of the PRC1, Inc., who is seeking a VARIANCE to construct a 87,000s.f. Behavioral Health Center with 144 beds to be operated by Acadia Health Care and is seeking to reduce the parking requirements from 435 spaces to 151 spaces. The property is located at 581 Faunce Corner Road in the Limited Industrial District and identified on Assessor's Map 68 as Lots 28 & 29. Information is on file in the office of the Board of Appeals and may be seen upon request. (Section 16-Off Street Parking Plan Regulations)

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

- Variance application with brief and time-stamped with the Town Clerk on 2/5/14
- Legal Ad
- Certified Abutter's List
- Vision Appraisal Cards for Lots 28 and 29
- Letter from Planning Director, Donald Perry, dated 2/25/14
- Letter from DPW to Planning Dept., dated 2/19/14
- Letter from Chief, Richard Arruda/Fire District #3 to Planning Dept., dated 2/25/14
- Site Layout Plan, Sheets C5.0 & C5.1-New Behavioral Health Center-Acadia Healthcare Company, dated 1/31/14

- Letter from Attorney Saunders, dated 3/4/14

Chairman Figueiredo read into the record a letter from Planning Director, Donald Perry, dated 2/25/14, a letter from the Department of Public Works, dated 2/19/14, letter from Fire Chief, Richard Arruda, dated 2/25/14 and a letter from Attorney Christopher Saunders, dated 3/4/14.

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

CHRISTOPHER T. SAUNDERS, ESQ.: The Petitioner, PRC1, Inc., has entered into a Purchase and Sale Agreement to acquire the subject property. The site contains approximately 24 acres of land and had been used as the "City View Golf Course". The Petitioner intends to construct a 87,000s.f. Behavioral Health Center with 144 beds to be operated by Acadia Health Care. The Petitioner is seeking a Variance to reduce the parking requirements from 435 spaces to 151 spaces. The facility will be open 24 hours with three working shifts and with a maximum of 95 employees at any one time. The minimum stay of a patient would be about 7-10 days. There will be no social visits and visits would only occur for a short period of time to address patient's treatment plan. Attorney Saunders spoke to abutting neighbors relative to their concerns about the number of spaces for parking. He met with Acadia Health Care to present the abutters' concerns to add additional parking spaces. Attorney Saunders expressed his desire to accommodate abutters' wishes and will be meeting with the Planning Board to finalize a newly revised parking plan. He requested a continuance of this case so that he may present what he hopes will be a Planning Board approved parking plan.

Chairman Figueiredo invited any board members to ask questions.

ROBERT GARDNER: Questioned Attorney Saunders if there would be an additional egress available to this property.

CHRISTOPHER SAUNDERS, ESQ.: Answered that there will be an additional egress established.

No further questions by board members.

Chairman Figueiredo invited public comments regarding this project.

JAMES J. GULAREK, Chief Executor at Hawthorn Medical Associates, Inc.: Expressed his belief about the necessity of a Behavioral Health Center in the community and is not opposed to the project, but he does have a concern with the small number of proposed parking spaces. He feels that the facility should have more parking spaces available.

No further public comments.

No further questions from board members.

CHAIRMAN FIGUEIREDO: Commented that the Board will continue this hearing as requested by Attorney Saunders to allow him the opportunity to first meet with the Planning Board (scheduled for March 10, 2014) and secure approval for a revised parking plan, then seek the Boards approval for the requested variance.

Halim Choubah makes the motion to continue this hearing to Tuesday, April 8, 2014. Motion was seconded by Robert Gardner and motion passed unanimously.

6:50P.M. Hearing adjourned

Date of approval: 4-8-14

Tina Cabral

Tina Cabral, Principal Clerk
Zoning Board of Appeals