



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

ADMINISTRATIVE MINUTES

DATE OF HEARING: April 29, 2014

PRESENT:

The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah, Robert Gardner

ALSO PRESENT:

Alternate Board Members Kevin Melo, David Dore, and Michael Medeiros, Esq.

6:15 P.M. Chairman Figueiredo opened the meeting

The following minutes were submitted for review and approval:

- Dated April 8, 2014
 - Case #2014-3 10 Mattarest Lane and 10A Mattarest Lane
 - Case #2014-7 166 Chase Road
 - Case #2014-8 581 Faunce Corner Road

Kevin Melo motioned to approve the above-referenced minutes as amended, which was seconded by Halim Choubah, and unanimously voted. Motion passed.

- Dated March 4, 2014
 - Case #2014-9 89 William Street

Halim Choubah motioned to approve the above-referenced minutes, which was seconded by Robert Gardner, and unanimously voted. Motion passed.

Respectfully submitted,

Jane Kirby

Jane Kirby, Temporary Clerk
For the Zoning Board of Appeals

Date of approval: 5-20-14

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DARTMOUTH TOWN CLERK



MINUTES

Date of Continued Hearing: **April 29, 2014**
Original Hearing Date: March 4, 2014

SPECIAL PERMIT

Case Number: 2014-9

Petitioner/Applicant: Emmanuel Correia
Property Owner: Jose L. Correia, et al
Representative: Manuel B. Garcia, P.E.
Subject Property: 89 William Street
Map 123 as Lot 212
Zoning District: General Residence District

Present:

The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah, Robert Gardner

Also Present:

Alternate Board Members Kevin Melo, David Dore, and Michael Medeiros, Esq.
Manuel Garcia, P.E.
Emmanuel Correia

7:05 P.M. Chairman Figueiredo opened the public hearing

The Petitioners are seeking a Special Permit to allow the construction of a second level on the existing two-family, single-level duplex structure. (Section 3B.202 – Expansion of Non-Conforming One or Two-Family Structures)

Chairman Figueiredo reviewed information received from March 4, 2014 public hearing:

- Property owned by Petitioner's parents (purchased in 2013)
- Dwelling currently consists of 1,856 s.f. gross living area
- Constructed in 1950 as a one-story, two-family duplex on a .11 acre lot
- Existing structure is a Mediterranean style building with flat roof and stucco finish
- One unit contains three bedrooms, one unit contains two bedrooms (five bedroom total)
- One existing off-street parking space on the west side of the lot
- Proposal 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 in a Cape Cod style home
- 33 residents signed a letter of opposition to this project, with two additional letters of opposition received

On March 4, 2014 the Board unanimously voted to continue the hearing to this date to allow the Petitioner to submit a revised site plan that would show 2 bedrooms in each unit (4 bedroom total) and include an additional off-street parking space.

Revised plan submitted for this hearing referenced as:

Drawn by: J.C. Clocks Co. Inc.
9 Ventura Drive
Dartmouth, MA

Project: Correia Residence
89 William Street
Dartmouth, MA

Dated: 4/16/14

Sheets: A1.1 Floor Plans
A2.0 Elevations
A3.0 Sections
EX1.0 Existing Structure

Chairman Figueiredo invited the Petitioner or Representative to speak.

Manuel Garcia, P.E.

Reviewed the site plan revisions and rendering of proposed new structure.

- Changed roofline
- Back corner previously 7.9' from the property line, now 8.8' from the property line
- Proposing to remove existing shed and leave a smaller cement pad for future shed
- Reduced lot coverage

Stated that the amended plan shows 4 bedrooms rather than the 5 bedrooms originally proposed. Reminded the Board that the structure is a legally existing duplex. Stated that the proposed expansion is not more detrimental to the neighborhood than the existing non-conforming structure.

Chairman Figueiredo questioned if the second driveway would be paved and also questioned the size of the proposed deck.

Mr. Garcia responded that the second driveway would be paved, and the proposed deck is 8' X 16'.

Lengthy discussion ensued in terms of the floor plan. The existing floor plan shows a 5 bedroom home – one unit with three bedrooms, one unit with two bedrooms. The Assessor's Card lists the property as a four bedroom home.

Chairman Figueiredo invited public comment at this time.

Comments received:

- Revised plan only changed the word bedroom to "den"
- No guarantee on total bedroom count
- Traffic and parking concerns

The Board discussed options in an effort to appease the neighbors for another plan revision that would help ensure each unit contained only 2 bedrooms. The Board also discussed the ability to condition the Special Permit to have the Building Department perform yearly inspections to ensure the total bedroom count was not greater than 4.

Chairman Figueiredo gave the applicant the option to revise the plan or have the Board vote on the submitted plan.

Mr. Garcia requested the hearing be continued to allow time for a plan revision.

Halim Choubah motioned to continue this hearing to May 20, 2014 at 6:30 p.m., which was seconded by Robert Gardner, and unanimously voted. Motion passed.

Chairman Figueiredo and Emmanuel Correia signed an Agreement to Extend Statutory Deadlines under MGL Chapter 40A. This agreement extended the Zoning Board of Appeals' vote and filing of its Decision in this case to June 17, 2014.

7:50 P.M. Hearing adjourned.

Respectfully submitted,

Jane Kirby

Jane Kirby, Temporary Clerk
For the Zoning Board of Appeals

Date of approval: 5-20-14



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MINUTES

DATE OF HEARING: **April 29, 2014**

SPECIAL PERMIT

Case Number: 2014-10

Petitioner/Applicant: Jeffrey & Jennifer Collins

Representative: Alan Heureux, P.E.

Subject Property: 73 Naushon Avenue
Map 88 Lot 51

Zoning District: Single Residence B

PRESENT:

The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah, Robert Gardner

ALSO PRESENT:

Alternate Board Members Kevin Melo, David Dore, and Michael Medeiros, Esq.
Alan Heureux, P.E. – Representing the Petitioners

6:55 P.M. Chairman Figueiredo opened the public hearing

The Petitioners were seeking a Special Permit to allow the construction of a ground level wooden deck and step to replace the existing steps at the front door. Construction proposed closer to the street line than allowed by zoning. (Section 3B.202-Expansion of Non-Conforming One or Two Family Structures)

This hearing was duly advertised in the Chronicle on Wednesday, April 2, 2014 and Wednesday, April 9, 2014.

A certified abutter's list is available for review.

Halim Choubah motioned to waive reading the abutter's list into the record, which was seconded by Robert Gardner, and unanimously voted. Motion passed.

Correspondence on file:

- Application time-stamped with the Town Clerk on February 24, 2014
- Site Plan dated February 18, 2014 by Boucher & Heureux, Inc.
- Aerial and existing conditions colored photos
- Letter to the ZBA from the Planning Director dated April 25, 2014

Chairman Figueiredo read the Planning Director's letter into the record.

Chairman Figueiredo invited the Petitioner or Representative to speak.

Alan Heureux, P.E.

Reviewed the site plan and photos with the Board and stated that the existing stairs are currently a safety concern. Showed the proposed wooden deck, which had a wider landing and is a much safer design.

Chairman Figueiredo invited public comment. None was received.

Chairman Figueiredo asked the Board if it had any questions. None were received.

Chairman Figueiredo reviewed the general findings:

- Locus/zoning district
- Existing non-conforming structure
- Setback reduction/3 foot encroachment

The Board found that the proposed expansion is not more detrimental than the existing, non-conforming structure:

- Safer design
- Similar setback to neighboring properties
- Aesthetically pleasing

Conditions:

- Standard - approvals from applicable Boards and Agencies prior to building permit
- Plan of Record

Robert Gardner motioned to close the public portion of the hearing, which was seconded by Halim Choubah, and unanimously voted. Motion passed.

Robert Gardner motioned to approve the Special Permit with the Board's stated findings and conditions, which was seconded by Halim Choubah, and unanimously voted. Motion passed.

7:00 P.M. Hearing adjourned.

Respectfully submitted,

Jane Kirby

Jane Kirby, Temporary Clerk
For the Zoning Board of Appeals

Date of approval: 5-20-14



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MINUTES

DATE OF HEARING: April 29, 2014

VARIANCE

CASE NUMBER: 2014-11

Petitioner/Applicant: Roland Valois

Owner: Cayo Hueso Holdings, LLC

Representative: Alan Heureux, P.E.

SUBJECT PROPERTY: 365 Faunce Corner Road
Map 63 as Lot 17

PRESENT:

The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah, Robert Gardner

ALSO PRESENT:

Alternate Board Members Kevin Melo, David Dore, and Michael Medeiros, Esq.
Alan Heureux, P.E. – Representing the Petitioner

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

The Petitioner was seeking variances to allow a new parking layout at 365 Faunce Corner Road that will not meet the design standards of Section 16 of the Town's Zoning Bylaws.
(Section 16 – Off Street Parking Plan Regulations; Section 14A-Office Industrial District; Section 21- Faunce Corner Overlay District)

This hearing was duly advertised in the Chronicle on Wednesday, April 2, 2014 and Wednesday, April 9, 2014.

A certified abutter's list is available for review.

Halim Choubah motioned to waive reading the list into the record, which was seconded by Robert Gardner and unanimously voted. Motion passed.

Correspondence on file:

- Application time-stamped with the Town Clerk on February 19, 2014
- Site Plan drawn for RP Valois dated October 24, 2013 with revised dates 12/2/13 & 12/3/13
- Letter to the ZBA from the Planning Director dated April 25, 2014
- Letter from F.Tenney Lantz, Trustee dated March 25, 2014 (abutter in favor of variance request)

Chairman Figueiredo read both the letter from the Planning Director and from F. Tenney Lantz, Trustee into the record.

Chairman Figueiredo invited the petitioner or its representative to speak at this time.

Alan Heureux, P.E.

Reviewed the proposal for the Board:

- Commercial property
- Previously obtained a Special Permit from the Planning Board for Motion the Dance Studio use (2010)
- Currently an Adult Daycare use
- Seeking to remove existing carport (eyesore) and provide more parking
- Technical details require variances
 - Existing travel aisle up against the building
 - 1 parking space behind the building is up against the building
 - 27 compact car spaces proposed
 - Lot coverage of 80.2%
- Providing landscaping and a handicapped accessible ramp (improvements)
 - Reduction in impervious area (existing lot coverage of 80.65%)

Chairman Figueiredo asked the Board if they had questions.

After a brief discussion, Chairman Figueiredo reviewed proposed general findings for this application:

- Locus/Office Industrial District/Faunce Corner Overlay District
- 2005 Ownership
- 2-story building on 1.5 acre lot
- Adult Daycare an allowed use
- Variances requested:
 - Number of parking spaces (54 required/51 proposed)
 - Compact spaces greater than 25%
 - Parking spaces and travel aisle setbacks less than 5 feet from the building
 - Impervious lot coverage of 80.2%
- Planning Board approved parking layout
- Improvements:
 - Reduction in impervious lot coverage
 - Angled parking and landscaped areas
 - Removal of carport (eyesore)

The Board unanimously agreed with the general findings.

The Board made the following statutory findings:

- RE: Soil/shape/topography
 - Location of existing building on lot does not allow compliant parking plan
- RE: Literal enforcement – hardship
 - Related to existing building on lot
- RE: Relief granted without detriment to the public good
 - Proposed layout reduces lot coverage
 - Aesthetically pleasing
 - Angled parking spaces safer design
 - Safer travel aisle and site circulation
- RE: Variance will not nullify the intent of the bylaw

- Complies with stated purpose of Section 16
- Allowed use and lot size
- Parking plan more in compliance with bylaw and design standards than existing conditions
- Increase in parking spaces/decrease in impervious coverage

Conditions:

- Compliance with applicable Boards and Town agencies prior to issuance of a building permit
- Plan of record

Chairman Figueiredo asked for public comment. No comments were received.

Halim Choubah motioned to close the public portion of the hearing, which was seconded by Robert Gardner and unanimously voted. Motion passed.

Halim Choubah motioned to approve the Variance application with the Board's stated findings and conditions, which was seconded by Robert Gardner, and unanimously voted. Motion passed.

6:50 P.M. Hearing adjourned.

Respectfully submitted,

Jane Kirby

Jane Kirby, Temporary Clerk
For the Zoning Board of Appeals

Date of approval: 5-20-14