



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

Board Members

Jacqueline Figueiredo, Chairman
Halim Choubah, Clerk
Robert Gardner

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DARTMOUTH TOWN CLERK

AMENDED MINUTES

HEARING DATE: October 14, 2014; Continued to November 18, 2014
CASE: AMENDMENT TO SPECIAL PERMIT
CASE NO: 2014-29
Petitioner/Applicant: Robert and Jacqueline Cabral
Property Owner: Same
Representative: Steven D. Gioiosa; John Keegan, SITEC
Subject Property: 703 State Road
Map: Lot: Map 164 Lot 14
District: General Business, Aquifer Protection, Zone II Wellhead Protection
Registry of Deeds: Book 4510 Page 224

PRESENT: The Board: Chairman, Jacqueline Figueiredo, Clerk Halim Choubah, Robert Gardner, Associate Members David Dore, Michael Medeiros, Rahim Aghai, Principal Clerk Michelle Vieira and Director of Development Deborah Melino-Wender.

ALSO PRESENT: Robert Cabral and John Keegan of SITEC

6:27P.M. Chairman Figueiredo opened the hearing and announced the continuance of this hearing from October 14, 2014. The board has continued this hearing to permit the safety officer to review potential traffic hazards.

DOCUMENTS RECEIVED SINCE OCTOBER 14, 2014

- Report from safety officer Joseph Vieira dated November 3, 2014

Chairman Figueiredo stated this case was continued to allow Board members to visit the site to see what affects the addition of pallets of pellets at the Rt. 6 front area of the property might have on traffic safety, particularly in the area of visibility. Also the Board requested that the Safety Officer visit the site and determine if the pallets would present a safety hazard. She then read the Safety Officers report dated November 3, 2014. Chairwoman Figueiredo wanted the Board to note that the plan indicates 8 pallets but the area can fit 11 pallets. Also, that the West Entrance was of concern.

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

John Keegan from SITEC Engineering spoke on the confusion on the West Entrance because of the way the roadway was paved. The Board and Applicant continued discussion on the circulation patterns through the site and the results of Officer Vieira's report.

Chairman Figueiredo invited public comments regarding the project. There were no comments.

The Board made the following findings:

1. Locus property at 703 State Road and is identified on Town Assessor's Map 164, Lot 14 and is located in a General Business, Aquifer Protection, and Zone II Wetland Protection Districts.
2. The subject property has a lot area of 2.88 acres (approximately 95,453 s.f.), and wetlands exist in the brush to the rear of the property.
3. Robert and Jacqueline Cabral have owned the property since September 1999.
4. There is an existing permit issued by the Conservation Commission and said permit is due to expire on March 13, 2015.
5. The petitioners propose to maintain their existing fireplace, shed and woodstove retail business, "Ashaway Hearth and Chimney, Inc."
6. The proposal is to amend Condition #2 of Special Permit Case #2007-59 by implementing a new site plan that will eliminate 4' high posts and two sections of recessed landscape timbers. Additionally, they would like to use their front outdoor display area for a seasonal display of 4' high pallets of wood pellets.
7. The ZBA had approved the site plan for SPECIAL PERMIT Case #2007-59. Since there are no proposed changes for parking, -Planning Board approval is not needed.
8. The posts and landscape timbers have posed a traffic hazard for product deliveries, therefore, the operational change to remove them will create a safer traffic pattern.
9. The current lot coverage of 23% will not be increased.
10. The seasonal display of 4' high pellet pallets will be in the front island within defined boundaries.
11. The safety officer found the addition of the pallets of pellets to the front business display area would not inhibit visibility for traffic. The outer edge is to be set back a minimum of 14' from the Rt. 6 curb.

The Board made the proposed conditions:

1. The petitioner is to secure all of the necessary permits and approvals from all applicable Boards and Agencies before a building permit is issued.
2. The defined boundaries of the display area will be at least 14' to the travel lane of State Road (Route 6).
3. The height of the display product is not to exceed 4'
4. To better define the west driveway, the Petitioner is to add landscape edging at the west side of the driveway near the abutting property and to add landscaping and railroad ties to the west side of the front display area.
5. The Petitioner is to add a "No Exit" sign to the west side of the front display area to prohibit exiting through the west driveway.
6. Site Plan of record is "Site Plan – Special Permit Amendment, Ash Away Hearth and Chimney prepared by SITEC Inc., and dated February 7, 2014.
7. The conditions of Special Permit Case #2007-59, which have not been amended herein, remain in full force and effect.

Chairman Figueiredo asked board members for further comments or questions, there were none.

Chairman Figueiredo asked if there was further public comment, there was none.

Robert Gardener motioned to close the public hearing which motion was seconded by Halim Choubah. Motion passed unanimously.

Clerk Halim Choubah made the motion to approve the petition as presented with the findings and conditions as stated. Mr. Gardner seconded the motion. The motion passed unanimously.

7:15 P.M. Adjournment

Michelle Vieira

Michelle Vieira, Principal Clerk
For the Zoning Board of Appeals
Date of Approval