



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

**MINUTES**

RECEIVED  
 2014 DEC 10 PM 12 06  
 DARTMOUTH TOWN CLERK

DATE OF HEARING: December 2, 2014  
 CASE: SPECIAL PERMIT  
 CASE NO: 2014-39  
 Petitioner/Applicant: Ann Elizabeth Blake Sinton  
 Property Owner: Ann Elizabeth Blake Sinton  
 Representative: Thomas W. Hardman, Site Design Engineering, LLC  
 Subject Property: 1170 Russells Mills Road  
 MAP: LOT(S): District Map 28 Lot 60-1 Single Residence B District  
 Registry of Deeds: Book 11055 Page 106

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

**ALSO PRESENT:** Ann Elizabeth Blake Sinton and Thomas Hardman, Site Design Engineering

*6:40 P.M. Chairman Figueiredo opened the hearing*

**LEGAL AD:** Notice is hereby given of a public hearing to be held on **Tuesday, December 2, 2014** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Ann Elizabeth Blake Sinton, who is seeking a SPECIAL PERMIT to propose a design studio as part of a detached garage, equipped with a bathroom used only for convenience. The property is located at 1170 Russell's Mills Road in the Single Residence B District and identified on Assessor's Map 28 as Lot 60-1. Information is on file in the office of the Board of Appeals and may be seen upon request. (Section 4B.302 Accessory Buildings or Structures with Kitchen or Bathroom Facilities)

**ADVERTISED:** The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, November 12, 2014 and Wednesday, November 19, 2014.

**ABUTTER'S LIST:** Halim Choubah made the motion, seconded by Robert Gardner, to waive the reading of the abutter's list. Motion passed. 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 October 30, 2014
- Schedule of Departmental Payment of Fees To Collector's Office
- Legal Ad
- Certified Abutter's List

- Vision Appraisal Card
- Letter from Planning Director Donald Perry dated November 24, 2014
- Site Plan with House & Barn by John R. Tankard III Architect dated October 7, 2014
- Subsurface Sewage Disposal System by Site Design Engineering dated 10/2/2014
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*Chairman Figueiredo read into the record a letter from Planning Director, Donald Perry, dated November 24, 2014.*

*Chairman Figueiredo invited the Petitioner or representative to present the case. Mr. Hardman of Site Design Engineering reviewed the project. Ms. Sinton is proposing a new home and a garage with an attached studio and a greenhouse. The studio will serve as her office and, for convenience; she would like to install a bathroom. There are no intentions to turn this into an additional unit.*

*Chairman Figueiredo asked the size of the studio, Mr. Hardman responded 18'x30'.*

*Chairman Figueiredo invited questions from the board.*

*Mr. Gardener questioned the size of the studio that is on the plan; Mr. Hardman stated that the size included the garage.*

*There were no further questions by board members.*

*Chairman Figueiredo invited public comments regarding this project.*

*There were no public comments.*

The Board made findings:

- Locus property at 1170 Russells Mills Road is identified on Town Assessor's Map 28 Lot 60-1 and is located in a Single Residence B district.
- The subject property is 80,000 +/- square feet (2.92 acres), and it is in the Russells Mills Historic District, which is not affected by Zoning By-laws.
- Ann Elizabeth Sinton has owned the property since April 2014.
- Presently, the lot is vacant. The Petitioner intends to build a three bedroom single family dwelling, a garden shed, and a barn that will encompass a garage, greenhouse and a design studio. The lot and structures meet the developmental standard for the Single Residence B District; therefore, no relief is needed for this construction.
- The Petition seeks a Special Permit to include a bathroom in the design studio.
- Pursuant to 4B.302, any accessory structure within which plumbing is installed may be granted a Special Permit by the Zoning Board of Appeals provided the conditions are met:
  - 1 The accessory structure will not be used as an additional residential unit.
  2. A yearly inspection may be conducted by the Zoning Enforcement Officer to verify that the accessory structure has not been converted to an additional residential unit.
- The proposed plans for the design studio which is proposed to be 18'x30' is so designed that it could not be used or converted into an additional residential unit, due to lack of kitchen and shower therefore, the Special Permit may be granted.

The Board made proposed conditions:

- Petitioner to secure all of the necessary permits and approvals from all applicable Boards and Agencies.
- The accessory structure will not be used as an additional residential unit.

- A yearly inspection may be conducted by the Zoning Enforcement Officer to verify that the accessory structure has not been converted to an additional residential unit.

*Robert Gardner made the motion seconded by Halim Choubah to close the public hearing.  
Motion passed unanimously.*

*Robert Gardner made the motion, seconded by Halim Choubah to approve the SPECIAL PERMIT in accordance with the Board's stated findings and proposed conditions. Motion passed unanimously.*

*6:50 P.M. Hearing adjourned*

*Michelle Vieira*

Michelle Vieira, Principal Clerk

Zoning Board of Appeals

Date of approval: \_\_\_\_\_



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MINUTES

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DATE OF HEARING: December 2, 2014  
 CASE: VARIANCE CONTINUANCE  
 CASE NO: 2014-36  
 Petitioner/Applicant: Michael R. Bachstein  
 Property Owner(s): Michael R. Bachstein  
 Representative: Christopher T. Saunders  
 Subject Property: 44 Middle Street  
 MAP: LOT(S): Districts Map 117 Lot 90-General Residence  
 Registry of Deeds: Book 11114 Page 283

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

*6:35 P.M. Chairman Figueiredo opened the hearing by stating this is a continuance for a variance from November 18, 2014 meeting. She stated that she met with Paul Murphy and spoke to Attorney Anthony Savastano, Town Counsel, and they verified that it would be best if the petitioner withdraw this petition and re-apply with the correct by-law citation. Chairman Figueiredo read the letter from Attorney Saunders dated December 2, 2014. Mr. Halim made motion, seconded by Mr. Gardner, to approve the withdrawal of the application without prejudice and wave the filing fee for the new application, with the applicant responsible for the cost of the new legal ad. Motion passed unanimously.*

DOCUMENTS ON FILE

- Letter from Attorney Christopher Saunders, dated December 2, 2015

6:40 P.M. Hearing adjourned

*Michelle Vieira*

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



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**MINUTES**

DATE OF HEARING: December 2, 2014  
CASE: ADMINISTRATIVE APPEAL  
CASE NO: 2014-42  
Petitioner/Applicant: Mary Robinson  
Property Owner: Mary Robinson  
Representative: Richard E. Burke, Jr., Beauregard, Burke & Franco  
Subject Property: 769 State Road  
MAP: LOT(S): DISTRICTS Map 163 Lot 57 General Business District  
Registry of Deeds: Book 4889 Page 323

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

*7:15P.M. Chairman Figueiredo opened the hearing by stating that the Board had received a letter from the petitioner's attorney asking for a continuance until January 20, 2015. Chairman Figueiredo read the letter from Attorney Richard E. Burke dated December 2, 2014 into the record.*

*Robert Gardner made a motion, seconded by Halim Choubah to continue the hearing for Case #2014-42 to January 20, 2015. Motion carries unanimously.*

DOCUMENTS ON FILE

- Letter from Attorney Richard E. Burke, Jr. dated December 2, 2014

*7:20 P.M. Hearing adjourned*

*Michelle Vieira*  
Michelle Vieira, Principal Clerk  
For the Zoning Board of Appeals  
Date of Approval: \_\_\_\_\_

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## ADMINISTRATIVE MINUTES

DATE OF HEARING: DECEMBER 2, 2014

*6:15 P.M. Chairman Figueiredo opened the meeting, Pledge the Flag, Moment of Silence*

PRESENT: The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah, Robert Gardner, Associate Members: Michael Medeiros, and Rahim Aghai,

Director of Development Deborah Melino-Wender and Principal Clerk, Michelle Vieira

ABSENT: David Dore

### ADMINISTRATIVE

The Board unanimously voted and approved the following Minutes as amended:

- Administrative Minutes of December 2, 2014 Meeting
- Minutes for Amendment to Use Variance Case 2014-34 (24 Slocum Road)
- Minutes for Special Permit & Variance Case 2014-22 (300 Gulf Road)

A motion was made by Robert Gardner to accept the Minutes as amended, seconded by Halim Choubah, and unanimously voted.

Chairman Figueiredo announced next meeting date for the Zoning Board of Appeals will be December 9, 2014 @ 6:15 in room 304 at Town Hall.

6:35 P.M. Adjournment

*Michelle Vieira*

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

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**MINUTES**

DATE OF HEARING: December 2, 2014  
CASE: VARIANCE/CHANGE OF USE VARIANCE  
CASE NO: 2014-40  
Petitioner/Applicant: Joquim M. Fidalgo & Melissa M. Costa  
Property Owner(s): Joquim M. Fidalgo & Melissa M. Costa  
Representative: Thompson Farland, Inc  
Subject Property: 10 Thibeault Lane  
MAP: LOT(S): Districts Map 180 Lot 14 Single Residence B  
Registry of Deeds Book: Book 8049 Page 249

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

INTERESTED PARTIES PRESENT: Joquim Fidalgo, Melissa Costa, and Nick Dufresne, Engineer, Thompson Farland, Inc.

*6:50 P.M. Chairman Figueiredo opened the hearing*

**LEGAL AD:** Notice is hereby given of a public hearing to be held on **Tuesday, December 2, 2014** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Joaquim Fidalgo and Melissa Costa, who is seeking a VARIANCE to propose to raze the existing dwelling and accessory structure on the property and construct a new single family dwelling. The property is located on 10 Thibeault Lane in the Single Residence B District and identified on Assessor's Map 180 as Lot 14. Information is on file in the office of the Board of Appeals and may be seen upon request. (Section 4B.404 Setbacks)

**ADVERTISED:** The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, November 12, 2014 and Wednesday, November 19, 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/Change of Use Variance application time-stamped with the Town Clerk on October 31, 2014 with Memorandum
- Schedule of Departmental Payment of Fees to Town Collector
- Legal Ad

- Certified Abutter's List
- Vision Appraisal Cards
- Permits Set by South Coast Architecture
- Site Plan by Thompson Farland Engineers/Land Surveyors dated October 27, 2014
- Planning Director's Letter from Donald Perry dated November 24, 2014

*Chairman Figueiredo read into the record a letter from Planning Director, Donald Perry, dated November 24, 2014.*

*Chairman Figueiredo also stated that there were comments on the application from Mr. Michaud of the Board of Health stating that the petitioner would need approval before demolishing the present house. Also, Mr. O'Reilly the Environmental Affairs Coordinator stated that a permit would be needed from Conservation. Chairman Figueiredo also stated that the property is in a Single Residence B District, and within the Flood Plain District the Aquifer Zone III and, that there are Wetlands on the property.*

*Chairman Figueiredo invited the Petitioner or Representative to present the case.*

*Nick Dufresne from Thompson Farland representing the Petitioners stated that the applicants are requesting a variance of front setback for the proposed new dwelling. He also stated that there are multiple structures on the property that will be taken down for the new structure. The current dwelling is 4.5' from the right of way of Thibeault Lane and the new structure will be located approximately 21' from the street. This is as far back as the structure can be located due to the location of wetlands at the rear of the property. He noted that the new structure will be 2 stories high and include a total of 8,000 square feet with the livable space on the second floor. Mr. Dufresne stated that there are several accessory buildings already on the property that, with the existing residence, total about 4,000 square feet.*

*Chairman Figueiredo invited any Board Members to ask questions.*

*Mr. Choubah asked what the distance was from the property line to the front stairs. He noted that the stairs are included in the setback and that the relief requested should be 12'.*

*Chairman Figueiredo had some concerns regarding the plan for the storm water recharge and also the flood plain district. Chairman Figueiredo stated that there are 2 sections of by-laws that need to be met, in the area of the Single Residence B, the Aquifer and the Flood Plain District. Chairman Figueiredo cited the concerns with meeting the Performance Standards in Section 20.701. Chairman Figueiredo suggested the applicant look at the Flood Plain and Aquifer to be sure requirements are met. She also cited Section 19.700 Administration and requested that the applicant take into consideration the information that the Planning Director recommended.*

*Mr. Gardner asked if this was a single family home. He expressed concern on the impact on the neighborhood with the size of the proposed structure.*

*Mr. Choubah thought if something could be softened up, but it meets the height requirement in the district.*

*Mr. Fidalgo stated that the first level will be the pool, home theater and garage. The second floor will be the living space.*

*Mr. Dufresne asked if this could be continued so they can provide a re-charge system and look at the requirements for the Flood Plain and Aquifer Districts.*



*Chairman Figueiredo asked Board Members for further comments and/or questions.*

*Dr. Aghai asked the size of the current structure, Mr. Dufresne replied 1500 square feet.*

*No further questions by Board Members.*

*Chairman Figueiredo asked if there were any comments from the public.*

*There were none.*

*Chairman Figueiredo stated that the Statutory Agreement needs to be signed for an extension until February 27, 2015.*

*Robert Gardner made a motion and seconded by Halim Choubah at the request of the petitioner to continue case until February 3, 2015. Motion carried unanimously*

*7:15 P.M. Hearing adjourned*

*Michelle Vieira*

Michelle Vieira, Principal Clerk  
For the Zoning Board of Appeals

Date of Approval: \_\_\_\_\_