



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

RECEIVED
2015 JAN 8 AM 8 57
DARTMOUTH TOWN CLERK

ADMINISTRATIVE MINUTES

DATE OF HEARING: DECEMBER 9, 2014

6:15 P.M. Vice Chairman / Clerk Halim Choubah opened the meeting; Pledge the Flag, Moment of Silence

PRESENT: Vice Chairman / Clerk Halim Choubah

Associate Members: Michael Medeiros, Dr. Rahim Aghai and David Dore

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

ABSENT: Chairman Jacqueline Figueiredo and Robert Gardner

ADMINISTRATIVE

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

- Administrative Minutes of December 2, 2014 Meeting
- Minutes from case 2014-36, 44 Middle Street-Variance
- Minutes from case 2014-39, 1170 Russells Mills Road: Special Permit
- Minutes from case 2014-40, 10 Thibeault Lane: Variance
- Minutes from case 2014-42, 769 State Road: Administrative Appeal-continued

A motion was made by Michael Medeiros to accept the Minutes as amended, seconded by Dr. Rahim Aghai and unanimously voted.

Vice Chairman / Clerk Halim Choubah announced next meeting date for the Zoning Board of Appeals will be January 6, 2015 @ 6:15 in room 304 at Town Hall.

6:20 P.M. Adjournment

Michelle Vieira

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



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

MINUTES

DATE OF HEARING: DECEMBER 9, 2014
CASE: SPECIAL PERMIT
CASE NO: 2014-38
Petitioner/Applicant: Joseph Sciuto
Property Owner: Joseph Sciuto
Representative: Ian E. Souza, Designer
Subject Property: 60 Chestnut Street
MAP: LOT(S) MAP 123 LOT 9
District: GENERAL RESIDENCE

ATTENDANCE

PRESENT: The Board: Vice Chairman/Clerk Halim Choubah, Dr. Rahim Agahi and Michael Medeiros
ASSOCIATE MEMBER: David Dore
Director of Development Deborah Melino-Wender and Principal Clerk Michelle Vieira
ABSENT: Jacqueline Figueiredo

ALSO PRESENT: Richard Rheaume, Engineer, Joseph Sciuto

6:20 P.M. Clerk Halim Choubah opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, December 9, 2014** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Joseph Sciuto, who is seeking a SPECIAL PERMIT for a proposed garage addition, with a proposed second floor over the garage, to an existing dwelling (Section 3B.202-Expansion of Non-Confirming One Family Structure). The property located at 60 Chestnut Street in the General Residence District and identified on Assessor's Map123 as Lot 9. Information is on file in the office of the Board of Appeals and may be seen upon request.

ADVERTISED: The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, November 19 and Wednesday, November 26.

ABUTTER'S LIST: Michael Medeiros motioned to waive the reading of the abutter's list, seconded by Dr. Rahim Aghai. 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 time stamped with the Town Clerk on October 20, 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 December 2, 2014
- "Plan of Land 60 Chestnut Street" prepared by Prime Engineering dated 9/2/2014

- "Plan to Accompany Application for Zoning Variance" prepared by Prime Engineering 10/14/2014.
- "Proposed Modifications #60 Chestnut Street" dated 10/12/2014 by Ian Everett Souza, pages A1.0, A1.1, A1.2, A1.3, A2.0, A2.1, A2.2, A2.3, A3.1, A3.2

Vice Chairman/Clerk Choubah read into the record a letter from Planning Director, Donald Perry, dated December 2, 2014.

Vice Chairman/Clerk Choubah invited the Petitioner or representative to present the case. Richard Rheume from Prime Engineer explained that the Petitioner wishes to construct a garage with a second floor space. The setback lines are 20' from Chestnut Street and 20' from Williams Street. The current structure is slightly over the 20' setback. The dimensions in the petition are 7.9' from the property line to the gutter. The existing building was built more than the required set back from Chestnut Street, if it had been 20' setback the garage would be able to fit without a special permit. He stated to tear down the house, move the foundation etc. it would be to expensive.

Vice Chairman/Clerk Choubah invited any board members to ask questions. Mr. Medeiros referred to different views of the plan questioning the elevation and height on the proposed construction.

Mr. Choubah asked for clarification on the setbacks in the General Residence District. The lot is in the General Residential District, the setbacks would be 20 from the street line. Mr. Rheume stated that the revised by-law allows 10 feet from all other perimeter lot lines and 20' from a street line if the lot upon which the building or structure is to be located was in existence prior to October 26, 1991.

No further questions by board members.

Vice Chairman/Clerk Choubah invited public comments regarding this project.

Michael Kehoe an abutter just questioned the screening and the water that runs from that property to his basement. He requested that vegetation remain or be replaced. He has no opposition to the construction, just concerned on those issues he stated.

Mr. Choubah made the suggestion to talk to Mr. Perry about plantings, and Mr. Medeiros suggested evergreen.

No further comments from the public.

Mr. Choubah asked for a motion to close the public hearing.

Dr. Aghai made the motion to close the public hearing, seconded by Mr. Medeiros. Motion passed unanimously

6:40 Public Hearing Closed

Mr. Choubah read the findings.

The Board made proposed findings:

- Locus property at 60 Chestnut Street is identified on Town Assessor's Map 123 Lot 9 and is located in a General Residence Zone.
- The subject property is approximately 8,837 sq ft.



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

MINUTES

DATE OF HEARING: DECEMBER 9, 2014
CASE: SPECIAL PERMIT
CASE NO: 2014-41
Petitioner/Applicant: EFRAIN A. TORRES AND LOURDES
Property Owner: EFRAIN A. TORRES AND LOURDES
Representative: WALTER R. SMITH, ATTORNEY
Subject Property: 2 KIRKAT WAY
MAP: LOT(S) MAP 143 LOT 12-1
District: SINGLE RESIDENCE A

ATTENDANCE

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

ALSO PRESENT: Walter Smith and Efrain Torres

6:53 P.M. Clerk Halim Choubah opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, December 9, 2014** at 6:15pm in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Efrain A. Torres and Lourdes Cortez, who is seeking a SPECIAL PERMIT to allow installation of plumbing in a pool house. The property is located at 2 Kirkat Way in the Single Residence A District and identified on Assessor's Map 143 as Lot 12-1. Information is on file in the office of the Board of Appeals and may be seen upon request. (Section 4A.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 19 and Wednesday, November 26.

ABUTTER'S LIST: David Dore motioned to waive the reading of the abutter's list, seconded by Michael Medeiros. 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 time stamped with the Town Clerk on October 29, 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 December 2, 2014

Vice Chairman/Clerk Choubah read into the record a letter from Planning Director, Donald Perry, dated December 2, 2014.

Mr. Choubah also stated that Dr. Aghai recused himself from this case.

Vice Chairman/Clerk Choubah invited the Petitioner or representative to present the case.

Walter Smith, Attorney for Mr. Torres, stated that his client would agree to Mr. Perry's recommendations. The petitioners agree that the pool house would not be used as an additional residential structure. Also, pursuant to the provisions of Section 4A. 302B, annual inspections could be schedule to assure the structure will not be converted into an additional residential unit. The pool house has a water connection through a misunderstanding involving the building department and contractor and no further work has been done in the pool house. The pool house is 12x24 and has an outdoor shower; there would be a bathroom inside. The pool house will be primarily used for showers and changing.

Vice Chairman/Clerk Choubah invited any board members to ask questions.

No questions from board members.

Mr. Choubah stated that Dr. Aghai has recused himself from this case.

Vice Chairman/Clerk Choubah invited public comments regarding this project.

No comments from the public.

Mr. Choubah asked for a motion to close the public hearing.

Mr. Dore made the motion to close the public hearing, seconded by Mr. Medeiros, motion passes unanimously.

7:00 Public Hearing closed

The Board made findings:

- Locus property at 2 Kirkat Way is identified on Town Assessor's Map 143 Lot 12-1 and is located in a Single Residence A Zone.
- The subject property is +/- 41,482 sq.ft.
- Efrain Torres and Lourdes Cortez have owned the property since 11/17/2008
- The pool house will include 288 square feet.
- The Petitioner seeks a Special Permit to allow the installation of plumbing to the pool house.
- Pursuant to 4A.202, the Zoning Board of Appeals may issue a Special Permit for the installation of plumbing in an accessory building or structure only if it finds that the accessory building or structure will not be used as an additional residential unit. Additionally, there can be a yearly inspection to determine that the accessory building or structure has not been converted into an additional residential unit.

The Board made proposed conditions:

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

- There can be a yearly inspection to determine that the accessory building or structure has not been converted into an additional residential unit. Conversion will result in the revocation of the Special Permit after a public hearing in accordance with M.G.L., Chapter 40A.
- The Board approved Plan of Record:
 - Project: Torres Pool House
 - Drawings: Floor Plan
 - Dated: May 15, 2014 and Revised 10/15/2014
 - Drawn by: MN

Mr. Medeiros makes the motion to approve the SPECIAL PERMIT in accordance with the Board's stated findings and proposed conditions; motion was seconded by Mr. Dore. Motion passed unanimously.

Mr. Choubah asked for a motion to adjourn.

Mr. Dore made motion, seconded by Mr. Medeiros, motion passes unanimously.

7:05 P.M. Hearing adjourned

Michelle Vieira

Michelle Vieira, Principal Clerk

Zoning Board of Appeals

Date of approval: _____



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

MINUTES

DATE OF HEARING: DECEMBER 9, 2014
CASE: SPECIAL PERMIT/VARIANCE CONTINUANCE
CASE NO: 2014-22
Petitioner/Applicant: NEW CINGULAR WIRELESS PCS, LLC (AT&T)
Property Owner: THISTLE TRUST LLC, TENANT AND CONCORDIA COMPANY LLC, LANDLORD
Representative: ELISABETH RUTKOWSKI OF TRM AND EDWARD PARE, JR., Esq.
Subject Property: 300 GULF ROAD
Registry of Deeds: BOOK 7917 PAGE 343
District: MARITIME/MARINE INDUSTRIAL

ATTENDANCE

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

ALSO PRESENT: Elisabeth Rutkowski and Edward Pare, Jr., Esq.

6:45 P.M. Clerk Halim Choubah opened the hearing by stating this case is continued from November 5, 2014.

The Petitioner is seeking a SPECIAL PERMIT and VARIANCES in order to allow the installation, operation and maintenance of a new telecommunications facility described as a 150 foot above-ground level monopole and 40' x 40' fenced in compound area for AT&T and future co-locators. The subject property is at 300 Gulf Road in the Maritime/Marine Industrial District and identified on Assessor's Map 35, Block 6 as Lot 3 and property owners are Thistle Trust LLC. Information is on file in the office of the Board of Appeals and may be seen upon request. (Section 13.210-Wireless Communications Sites; Sections 13.300, 13.301, 13.302, 13.307 and 13.310-Development Standards; Section 26.200-Setbacks; Section 36.200-Variances; and Section 36.300-Use Variances)

Mr. Choubah noted that this was the old ad, and the revised plan reflects the change to 100' above-ground level monopole.

The hearing is a continuance from November 5, the applicant was asked to look at alternative sites. As a result of communication between Applicant and Town Counsel it was agreed to postpone this meeting until January. Mr. Choubah referred to Town Counsel for explanation on postponement of this meeting.

Town Counsel, Attorney Savastano explained that the opponent group put together some alternative sites for AT&T to review. There were a number of sites submitted to AT&T. The applicant distributed the site analyses on Friday, but Town Counsel needed more time to review the information so he initiated the continuance. He also reached out to the neighbors, and they were receptive to the postponement. Attorney Savastano also stated that Chairman Figueiredo who has chaired all the other meetings couldn't be present tonight because of her health. Attorney Stavastano also spoke to Mr. Pope who's the head of the citizen's opponent group who also was in agreement.

*Dr. Aghai made the motion which was seconded by Mr. Medeiros to continue this hearing to January 6, 2015,
The motion passed unanimously.*

6:50 P.M. Hearing Adjourned

Michelle Vieira, Principal Clerk
Zoning Board of Appeals

Date of approval: _____