



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

RECEIVED
7:15 APR 16 PM 12:45
DARTMOUTH TOWN CLERK

ADMINISTRATIVE MINUTES

DATE OF HEARING: February 17, 2015

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

PRESENT: Chairman Jacqueline Figueiredo, Halim Choubah and David Dore

Associate Members: Rahim Aghai

Principal Clerk Michelle Vieira

ABSENT: Robert Gardner and Michael Medeiros

Chairman Figueiredo announced next meeting date for the Zoning Board of Appeals will be February 26, 2015 @ 6:15 in room 304 at Town Hall.

ADMINISTRATIVE

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

- **Administrative Minutes of February 3, 2015**
Motion made by Halim Choubah, seconded by David Dore to approve.
- **Minutes from Case (1/6/15)#2014-22 300 Gulf Road-Special Permit/Variance**
Motion made by David Dore, seconded by Halim Choubah to approve.
- **Minutes from (1/20/15) Case #2014-48 44 Middle Street-Variance**
Motion made by Halim Choubah, seconded by David Dore to approve.
- **Minutes from (1/20/15) Case #2014-46 8 Edgeworth Street-Special Permit**
Motion made by Halim Choubah, seconded by David Dore to approve.
- **Minutes from Case (2/3/15) #2014-40 10 Thibeault Lane-Variance-Continued to March 10, 2015**
Motion made by David Dore, seconded by Halim Choubah to approve.
- **Minutes from Case (2/3/15) #2014-42 769 State Road-Administrative Appeal-Continued**
Motion made by David Dore, seconded by Halim Choubah to approve.
- **Minutes from Case (2/3/15) #2014-47 13 & 21 Sunview Terrace-Variance-Continued to March 10, 2015**
Motion made by Halim Choubah, seconded by David Dore to approve.

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

Chairman Figueiredo asked the Board Members if they had any questions regarding the reorganization plan, also there is a meeting on February 23, 2015 with the Select Board if they would like to attend.

David Dore made a motion to close the Administrative Meeting, seconded by Halim Choubah, passed unanimously.

6:35 P.M. Adjournment

Michelle Vieira

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

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TOWN OF DARTMOUTH
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MINUTES

DATE OF HEARING: FEBRUARY 17, 2015
 CASE: SPECIAL PERMIT
 CASE NO: 2014-49
 Petitioner/Applicant: AL AMARAL, TRUSTEE
 Property Owner: SAMC REALTY TRUST
 Representative: STEVEN GIOIOSA, SITEC ENGINEERING
 Subject Property: 710 STATE ROAD
 District: GENERAL BUSINESS MAP:164 LOT(S) 21
 Registry of Deeds Book: BOOK: 11045 PAGE: 242

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ATTENDANCE

PRESENT: The Board: Jacqueline Figueiredo, Clerk Halim Choubah and Dr. David Dore
 Associate Member(s): Dr. Rahim Aghai
 Principal Clerk, Michelle Vieira
ABSENT: Michael Medeiros, Esq. and Robert Gardner

ALSO PRESENT:

6:45 P.M. Chairman Figueiredo opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, February 17, 2015 @ 6:15 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of SAMC Realty Trust who is seeking a Special Permit to develop a retail building of 6,000 sq. ft. with associated parking and required site development. The one-story building is planned to have up to 3 retail spaces. The property is located 710 State Road in the General Business District and Aquifer Protection Overlay District and identified on Assessor's Map 164 as Lot 21. Information is on file in the office of the Board of Appeals and may be seen upon request. (Section 20.510 Aquifer Protection District; Lot Coverage) (Section 20.600 Aquifer Protection District; Special Permit Uses)

ADVERTISED: The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, January 21, 2015 and Wednesday, January 28, 2015

ABUTTER'S LIST: Halim Choubah motioned to waive the reading of the abutter's list, seconded by David Dore. 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 December 16, 2014

- Memorandum from Steven D. Gioiosa, P.E. dated 11/24/14
- Operation and Maintenance Plan for Proposed Stormwater Management System
- Map showing existing conditions of gravel base
- Schedule of Departmental Payment of Fees To Collector's Office
- Legal Ad
- Certified Abutter's List
- Vision Appraisal Card
- Letter from Planning Director John P. Hansen Jr., dated January 22, 2015
- Photos
- Project Plans by Sitec, Inc., dated December 1, 2014

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 SOUTHWEST TOWN OFFICE

Chairman Figueiredo read into the record a letter from Planning Director, John P. Hansen, Jr. dated January 22, 2015. Also read into the record were comments from the former Planning Director, Board of Health and Conservation.

Chairman Figueiredo reported to the Board that Steven Gioiosa, Engineer requested a continuance until March 10, 2015.

Chairman Figueiredo invited public comments regarding this project.

Chris Imbriglio, an abutter, spoke on behalf of his and other abutter's concerns. Mr. Imbriglio presented photos that became part of the case file depicting a house that faces south on Maine Avenue toward Route 6. The house is located at 11 Maine Avenue and the driveway abuts 710 State Road.

Chairman Figueiredo stated that the concerns seem to be with the design, not with developing of a retail building. Mr. Imbriglio agreed.

Alan Gabrielle who resides at 11 Maine Avenue informed the Board that his family have always taken care of the property between his house and the back of proposed site (710 State Road), asking if they had any right to it.

Chairman Figueiredo stated that that is not in the Zoning Board's jurisdiction.

Halim Choubah made a motion to continue the case to March 10, 2015, David Dore seconded, motion passed unanimously.

Chairman Figueiredo asked for a motion to close the hearing.

David Dore made the motion to close the hearing, seconded by Halim Choubah, motion passes unanimously.

8:05 P.M. Hearing adjourned

Michelle Vieira

Michelle Vieira, Principal Clerk

Zoning Board of Appeals

Date of approval: _____



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DARTMOUTH TOWN CLERK

MINUTES

DATE OF HEARING: February 17, 2015
CASE: VARIANCE/CHANGE OF USE VARIANCE
CASE NO: 2014-50A
PETITIONER/APPLICANT: NEW ENGLAND AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION BLDG.CORP.
PROPERTY OWNER(S): NEW ENGLAND AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION BLDG.CORP.
Representative: Matthew J. Thomas, Esq.
SUBJECT PROPERTY: Vacant Land On Reed Road
DISTRICT: General Business, Aquifer Protection District
Map:162 Lot: 3-1
BRISTOL COUNTY
REGISTRY OF DEEDS: Book: 1764 Page:799

ATTENDANCE

PRESENT: The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah P.E. and Robert Gardner

ASSOCIATE BOARD MEMBERS: Michael Medeiros, Esq. and Dr. Rahim Aghai
Principal Clerk Michelle Vieira

ABSENT: Dr. David Dore

Also Present: Attorney Matthew J. Thomas, Esq., and Steven Gioiosa, Engineer

7:50 PM Chairman Figueiredo opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, March 10, 2015 @ 6:15 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of New England Amalgamated Clothing & Textile Workers Union Building Corporation who is seeking a Variance to construct a Single Family home with 200' frontage on Reed Road. The property is a vacant located on Reed Road in the General Business District and identified on Assessor's Map 162 as Lot 3-1. Information is on file in the office of the Board of Appeals and may be seen upon request. (Section 11.200-Allowed Uses)

ADVERTISED: The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, February 25, 2015, and Wednesday, March 4, 2015.

ABUTTER'S LIST: David Dore motioned to waive the reading of the abutter's list, 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 time-stamped with the Town Clerk on 11/6/2014.
- Schedule of Departmental Payment of Fees to Town Collector
- Legal Ad

- Certified Abutter's List
- Vision Appraisal Cards
- Letter from Planning Director, John P. Hansen, Jr., dated February 11, 2015
- Photos
- Zoning Application Plan by Sitec, Inc., dated December 2 2014

Chairman Figueiredo reported to the Board that Attorney Matthew J. Thomas requested a continuance until March 10, 2015.

Chairman Figueiredo Chairman Figueiredo invited public comments.

No Public Comments

Chairman Figueiredo asked for a motion to continue this case until March 10, 2015.

Halim Choubah made a motion to continue this case until March 10, 2015, David Dore seconded, motion passed unanimously.

Chairman Figueiredo asked for a motion to close this hearing.

David Dore made the motion to close the hearing, Halim Choubah seconded, motion passed unanimously.

8:10 P.M. Hearing adjourned

Michelle Vieira

Michelle Vieira, Principal Clerk
For the Zoning Board of Appeals

Date of Approval: _____

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MINUTES

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DATE OF HEARING: February 17, 2015
CASE: SPECIAL PERMIT
CASE NO: 2015-1SP
PETITIONER/APPLICANT: St. Anne's Credit Union of Fall River, MA
PROPERTY OWNER: St. Anne's Credit Union of Fall River, MA
REPRESENTATIVES: Attorney Walter Smith
and Richard Rheume, P.E.
SUBJECT PROPERTY: 585 State Road
DISTRICTS: General Business, Residential B (rear portion) Aquifer Protection District, FEMA
Flood Zone A
MAP: 165 LOT:138

PRESENT: The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah, Dr. David Dore
Associate Member Dr. Rahim Aghai
Principal Clerk, Michelle Vieira

ABSENT: Michael Medeiros, Esq. and Robert Gardner

ALSO PRESENT: Attorney Walter Smith, Richard Rheume Engineer, Ross Upton President St. Anne's
Credit Union and Joann Bentley, Architect

6:35 P.M. Chairman Jacqueline Figueiredo opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, February 17, 2015 @ 6:15 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of St. Anne's Credit Union who is seeking a SPECIAL PERMIT for modification of a non-conforming use for the construction of a new bank with offices, and an AMENDMENT to Variance Case#1980-92 with respect to ingress and egress requirements. The property is located at 583-585 State Road in the General Business B and Aquifer Protection Districts and identified on Assessor's Map 165 Lot(s) 137 & 138. 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, January 28, 2015, and Wednesday, February 4, 2015.

ABUTTER'S LIST: David Dore motioned to waive the reading of the abutter's list, and the motion was seconded by Halim Choubah. The 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 January 5, 2015
- Schedule of Departmental Payment of Fees To Collector's Office
- Legal Ad

- Certified Abutter's List
- Vision Appraisal Card
- Letter from Planning Director, John P. Hansen Jr., dated January 28, 2015
- Site Plans for Proposed Credit Union & Loan Office, dated February 12, 2015
- Narrative (Exhibit A) by Prime Engineering, Inc., dated November 24, 2014
- Quitclaim Deed for property at 585 State Road (Lot 138)
- Certificate of Action by the Planning Board, dated January 13, 2015

Chairman Figueiredo read into the record a letter from Planning Director, John Hansen Jr., dated January 28, 2015.

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

Attorney Walter Smith, on behalf of St. Anne's Credit Union, stated that the Petitioner is requesting a Special Permit for modification of a non-conforming use (Section 20.601(a) of the Aquifer Protection Bylaw). There is more impervious cover than what the bylaw permits. St. Anne's Credit Union is proposing to construct a new building, thereby improving the site.

Mr. Rheume spoke on the improvements that were going to be made. He stated that the developed portion of the lot is currently 97 % impervious. In the proposal, the entire roof and canopy areas will be infiltrated. There's over the 10,000 sq. ft. of currently impervious area will be made pervious. Landscaping will be added, and the 97% impervious area will be reduced to 57%.

Mr. Choubah asked what the existing total lot coverage is, and Mr. Rheume replied that the entire 9 acre lot is 21% impervious.

Chairman Figueiredo asked what is the new lot coverage is, and Mr. Rheume replied that there will be a 6.8% reduction.

Mr. Rheume stated that the impervious percentage will be reduced and the part that is pervious, which is the parking lot, will be treated.

Chairman Figueiredo asked if the Petitioner needs to go to Conservation Commission for a permit.

Mr. Rheume replied that a notice of intent was approved, and an order of conditions has been received. He stated that he brought the revised plans to the Zoning Board of Appeals office and to the Planning Board. Also, if the ZBA approves the Special Permit, the only subsequent permit needed will be from MASS DOT for curb cuts.

Mr. Rheume explained to the Board the footage of the easement for the Roncka property.

Chairman Figueiredo invited any board members to ask questions.

No questions from board members.

Chairman Figueiredo invited public comments regarding this project.

No comments from the public.

Findings: The Board made findings which are listed in the decision.

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Conditions: The Board proposed conditions which are listed in the decision.

Chairman Figueiredo asked for a motion to close the public hearing.

Halim Choubah made the motion to close the public hearing, and it was seconded by David Dore. The motion passed unanimously.

David Dore made the motion to approve the SPECIAL PERMIT based upon the findings and conditions which motion was seconded by Halim Choubah, and the motion passed unanimously.

Chairman Figueiredo asked for a motion to adjourn.

David Dore made motion, and it was seconded by Halim Choubah. The motion passed unanimously.

7:40P.M. Hearing adjourned

Michelle Vieira

Michelle Vieira, Principal Clerk

Zoning Board of Appeals

Date of approval: _____

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SOUTH TOWN CLERK



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MINUTES

Board Members

Jacqueline Figueiredo, *Chairman*
 Halim Choubah, *Clerk*
 Robert Gardner

DATE OF HEARING: February 17, 2015
 CASE: AMENDMENT
 CASE NO: 2015-1A
 PETITIONERS: St. Anne's Credit Union of Fall River, MA
 and John J. Roncka
 PROPERTY OWNERS: St. Anne's Credit Union of Fall River, MA
 and John J. Roncka
 REPRESENTATIVES: Attorney Walter Smith
 and Richard Rheume, P.E.
 SUBJECT PROPERTIES: 583 and 585 State Road
 DISTRICTS: General Business, Single Residence B (rear Portion) Aquifer Protection,
 FEMA Flood Zone A
 Map 165 Lots 137 & 138

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PRESENT: The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah and Dr. David Dore
 Associate Board Member: Dr. Rahim Aghai
 Principal Clerk Michelle Vieira
ABSENT: Michael Medeiros, Esq. and Robert Gardner
ALSO PRESENT: Attorney Walter Smith, Richard Rheume Engineer, Ross Upton President, St.
 Anne's Credit Union and Joann Bently, Architect

6:35 P.M. Chairman Figueiredo opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, February 17, 2015 @ 6:15 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of St. Anne's Credit Union who is seeking a SPECIAL PERMIT for modification of a non-conforming use for the construction of a new bank with offices, and an AMENDMENT to Variance Case #1980-92 with respect to ingress and egress requirements. The property is located at 583-585 State Road in the General Business B and Aquifer Protection Districts and identified on Assessor's Map 165 Lot(s) 137 & 138. 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, January 28, 2015, and Wednesday, February 4, 2015.

ABUTTER'S LIST: David Dore motioned to waive the reading of the abutter's list, and the motion was seconded by Halim Choubah. The motion passed unanimously. A certified abutter's list is available for review in the office of the Zoning Board of Appeals.

DOCUMENTS ON FILE:

- Amendment application time-stamped with the Town Clerk on January 5, 2015
- Schedule of Departmental Payment of Fees To Collector's Office
- Certified Abutter's List
- Legal Ad
- Vision appraisal parcel card
- Letter from Planning Director, John P. Hansen Jr., dated January 28, 2015
- Site Plans for Proposed Credit Union & Loan Office dated February 12, 2015
- Narrative (Exhibit A) by Prime Engineering, Inc., dated November 24, 2014
- Quitclaim Deed for property at 585 State Road (Lot 138)

PROPOSED
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NORTH TOWN CLERK

Chairman Figueiredo read into the record a letter from Planning Director, John Hansen Jr., dated January 28, 2015.

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

Attorney Walter Smith stated that the property is located at 585 State Road, and to the east is a smaller lot approximately 12, 500 sq.ft., which is owned by the Roncka Trust and is occupied by Dr. Roncka. He also stated that prior to the 1980's the entire two-lot parcel was owned by the First New England Properties, Inc. In 1980, First New England Properties, Inc. appeared before the Zoning Board of Appeals requesting Variances to sub-divide the property and those Variances were granted. The 1980 Decision was composed of 10 variances and had restrictions were placed on the Variances. Attorney Smith stated that as a result of the Variances, all traffic for both lots would enter from the west of lot 138 and exit to the east of lot 138. St. Anne's Credit Union has owned the property since April, 2014. The property is over 9 acres, and they propose to construct a new building on that site with all traffic for the Credit Union only would enter on the westerly side and exit on the easterly side of the property (Lot 138). The Petitioners are requesting that Variance #one (1) from the 1980 decision be stricken, stating it is no longer necessary or feasible, and to eliminate Conditions 2, 3, 4 and 6.

Chairman Figueiredo asked about the parking and entering and exiting on the Roncka property.

Mr. Rheume stated that Dr. Roncka's customers will park in the back of his building, and St. Anne's Credit Union would be giving Dr. Roncka a 4' easement. That easement would make Dr. Roncka's driveway 24' wide with two (2) 12' lanes that only his clients will use.

Mr. Choubah was asked if Roncka Trust was aware of the curb cuts and the need to contact MA DOT.

Mr. Rheamue responded that The Credit Union would be filing the application with MA DOT, and that Dr. Roncka realizes he will also need to sign the application.

Mr. Choubah stated that there should be something in writing from Dr. Roncka stating he is aware of what is being requested regarding the Amendment.

Mr. Smith informed the Board that Dr. Roncka is a petitioner on this application, and that he is pleased with this proposal.

Chairman Figueiredo invited any Board members to ask questions.

No further questions by Board members.

Chairman Figueiredo invited public comments regarding this project.

No public comments.

Findings: The Board made findings which are listed in the decision.

Conditions: The Board proposed conditions which are listed in the decision.

Halim Choubah motioned to close the public hearing, which motion was seconded by David Dore. Motion passed unanimously.

David Dore motioned to GRANT the AMENDMENT based upon the findings and conditions as stated, which motion was seconded by Halim Choubah, and the motion passed unanimously.

Dave Dore motioned to close the hearing, which motion was seconded by Halim Choubah, and the motion passed unanimously.

7:40 P.M. Hearing adjourned

Michelle Vieira

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

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