



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

## ADMINISTRATIVE MINUTES

DATE OF HEARING: March 31, 2015

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

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

ASSOCIATE MEMBER: Michael Medeiros Esq. and Dr. Rahim Aghai

Principal Clerk Michelle Vieira

ABSENT: David Dore

*Chairman Figueiredo reviewed the policies from DCTV regarding meetings held in the Marland Room, Room 304.*

*Chairman Figueiredo stated that the Board has an Administrative Appointment regarding approval for a minor modification to a comprehensive permit to add a second entrance sign to The Residence at Cedar Dell located at 628 Old Westport Road.*

Mr. Doyle, Representative for LCB Senior Living stated for safety reasons they would like approval to add another sign. He stated the sign cannot be seen if coming from the westerly direction and it tends to be missed coming from the opposite direction. He stated this has created a variety of safety issues including emergency vehicles that pass without noticing the entrance and vehicles stopping short after passing the sign and the issues for seniors who travel to and from the location.

*Mr. Choubah stated the request was only a minor change.*

*Mr. Gardner made the motion to approve the addition of another sign. The motion was seconded by Mr. Choubah, motion passed unanimously.*

### ADMINISTRATIVE MINUTES:

Robert Gardner made the motion to approve the following Administrative Minutes as amended. Halim Choubah seconded the motion which passed unanimously.

March 10, 2015

March 11, 2015

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**The following Minutes were approved as amended:**

- Minutes of (February 17, 2015) Case #2015-1 SP 585 State Road-Special Permit  
The motion was made by Halim Choubah, seconded by Robert Gardner to approve as amended. The motion passed unanimously.
- Minutes of (February 17, 2015) Case #2015-1 A 583-585 State Road-Amendment  
The motion was made by Halim Choubah, seconded by Robert Gardner to approve as amended. The motion passed unanimously.
- Minutes of (February 26, 2015) Case #2014-22 300 Gulf Road-Special Permit/Variance  
The motion was made by Robert Gardner, seconded by Dr. Aghai to approve as amended. The motion passed unanimously.
- Minutes of (March 10, 2015) Case # 2015-2 26 Bridge Street-Special Permit  
The motion was made by Halim Choubah, seconded by Robert Gardner to approve as amended. The motion passed unanimously.
- Minutes of (March 10, 2015) Case #2014-49 710 State Road-Special Permit-Continued from February 17, 2015  
The motion made by Robert Gardner, seconded by Halim Choubah to approve as amended. The motion passed unanimously.
- Minutes of (March 10, 2015) Case #2014-47 13 & 21 Sunview Terrace-Variance  
The motion made by Robert Gardner, seconded by Halim Choubah to approve as amended. The motion passed unanimously.
- Minutes of (March 11, 2015) Case # 2014-22- 300 Gulf Road-Special Permit/Variance  
The motion was made by Robert Gardner, seconded by Dr. Aghai to approve as amended. The motion passed unanimously.

**The following Cases were heard March 31, 2015:**

- Special Permit Case # 2014-49-710 State Road-Continued-Approved from March 10, 2015
- Special Permit Case #2015-03-85 East Hidden Bay Drive-Approved
- Variance Case #2015-05-43 Harvest Avenue-Approved
- Special Permit Case #2014-04-15 Ann Avenue-Approved

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

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APR 10 PM 12 48  
MICHELLE VIEIRA TOWN CLERK



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

MINUTES

DATE OF HEARING: March 31, 2015  
CASE: SPECIAL PERMIT-Continued  
CASE NO: 2014-49  
PETITIONER/APPLICANT: Al Amaral, Trustee  
PROPERTY OWNER: SAMC Realty Trust  
REPRESENTATIVE: Steven Gioiosa, P.E. SITEC Engineering  
SUBJECT PROPERTY: 710 State Road  
DISTRICT: General Business and Zone III Aquifer Protection Overlay Districts  
Map: 164 Lot: 21  
REGISTRY OF DEEDS BOOK: Book: 11045 Page: 242

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DARTMOUTH TOWN CLERK

ATTENDANCE

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

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

ABSENT: David Dore

ALSO PRESENT: Steven Gioiosa, P.E., Al Amaral, Petitioner and other interested parties

6:40 P.M. Chairman Figueiredo opened the hearing by stating that this case was continued from March 10, 2015. Chairman Figueiredo stated that the Petitioner is seeking a Special Permit to develop a retail building of 6,000 sq.ft. and the one-story building is planned to include up to 3 retail spaces. Chairman Figueiredo also stated that this case was continued to allow the Town's Safety Officer to review the Residents' and Board's concerns related to the egress and ingress for the proposed building to be on Maine Avenue rather than on Route 6. She continued by reading the e-mail (report) from Joseph Vieira, Safety Officer which stated that he does not see any safety related issues with the exit/entrance to this plaza and that the plan is similar to most that he has seen. Chairman Figueiredo continued by stating that the proposed petition does meet all of the requirements of the General Business District, and the relief being sought is because it is also in the Aquifer Protection District.

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

Steven Gioiosa, Engineer reiterated that this is a Special Permit request and not a Variance. If certain conditions are met and the Board deems those conditions are met, then the permit can be granted.

Chairman Figueiredo asked Mr. Gioiosa if there were any changes regarding the Planning Board and if the permit for Conservation Commission been filed. She also asked if the Petitioner owns the property.

Mr. Gioiosa explained that the Petitioner has chosen to file for each permit individually when meeting with the necessary Boards to make sure each permit is granted. Mr. Gioiosa stated that the Petitioner does own the property.

*Chairman Figueiredo stated that the following Aquifer Requirements be part of the conditions: Sections 20.512, 20.516 and 20.517. Chairman Figueiredo also asked if there was a basement or will this structure be on a slab. The answer was a slab.*

*Mr. Choubah asked if these were the same plans from the previous hearing, the answer was yes.*

*Chairman Figueiredo invited public comments regarding this project.*

Al Amaral, the Petitioner stressed that there would not be a dry cleaning operation; it will be a drop off pick up location only with no processing done on site. Also the foundation will be a pier foundation.

Al Medeiros voiced his concerns regarding the hours for the restaurant. The Board responded that the hours will be consistent with similar business in the area. Mr. Medeiros and other abutters again stated their concerns regarding the safety issues on Maine Avenue.

*Mr. Choubah stated that the width of the street is wide enough and he doesn't believe there would be a problem.*

The Board made findings which are listed in the Decision.

The Board made proposed conditions which are listed in the Decision.

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

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

*Halim Choubah made the motion to approve the Special Permit in accordance with the Board's stated findings and proposed conditions: The motion was seconded by Robert Gardner. The motion passed unanimously.*

*Chairman Figueiredo asked for a motion to adjourn.*

*Halim Choubah made the motion to adjourn, which was seconded by Robert Gardner. The motion passed unanimously.*

7:25 P.M. Hearing adjourned

*Michelle Vieira*

Michelle Vieira, Principal Clerk

Zoning Board of Appeals

Date of approval: 4-14-15

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

MINUTES

DATE OF HEARING: March 31, 2015  
 CASE: SPECIAL PERMIT  
 CASE NO: 2015-03  
 PETITIONER/APPLICANT: Christopher Simmons  
 PROPERTY OWNER: Christopher Simmons  
 REPRESENTATIVE: Steven Gioiosa, P.E., SITEC Engineering  
 SUBJECT PROPERTY: 85 East Hidden Bay Drive  
 DISTRICT: General Residence and Flood Zone VE Districts  
 Map: 134 Lot: 42-4  
 BRISTOL COUNTY  
 REGISTRY OF DEEDS: Book: 3334 Page: 25

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 APR 16 PM 12 48  
 DARTMOUTH TOWN CLERK

ATTENDANCE

PRESENT: The Board: Chairman Jacqueline Figueiredo, Robert Gardner, and Michael Medeiros, Esq.  
ADDITIONAL BOARD MEMBERS: Clerk Halim Choubah and Dr. Rahim Aghai  
 Principal Clerk Michelle Vieira  
ABSENT: Dr. David Dore

ALSO PRESENT: Steven Gioiosa, P.E., SITEC, Inc.

7:30 P.M. *Chairman Figueiredo opened the hearing*

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, March 31, 2015 at 6:15 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Christopher Simmons who is seeking a Special Permit to finish a second floor area of a detached garage to include a home office, game room, and bathroom. (Section 5.302-Accessory Buildings or Structures with Kitchen or Bath Facilities). The property is located at 85 East Hidden Bay Drive in the General Residence District and identified on Assessor's Map 134 as Lot(s)42-4. 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, March 11, 2015 and Wednesday, March 18, 2015.

ABUTTER'S LIST: Robert Gardner made the motion to waive the reading of the abutter's list which was seconded by Michael Medeiros. 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 February 13, 2015

- Schedule of Departmental Payment of Fees To Collector's Office
- Legal Ad
- Certified Abutter's List
- Vision Appraisal Card
- Letter from Planning Director
- Special Permit Petition Plan by SITEC, Inc. dated November 26, 2014
- Photographs

*Chairman Figueiredo read into the record a letter from Planning Director, John P. Hansen, Jr. dated March 13, 2015.*

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

Steven Gioiosa, Engineer representing Christopher Simmons stated that Mr. Simmons is looking to complete the second level of his garage. The Petitioner would like to add an exercise/game room, home office and a bathroom. They will not be increasing the footprint nor changing the exterior of the structure. There are no isolated areas for proposed bedrooms and no proposed kitchen area.

*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.*

The Board made findings which are listed in the Decision.

The Board made proposed conditions which are listed in the Decision.

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

*Robert Gardner made the motion to close the public hearing which was seconded by Michael Medeiros. The motion passed unanimously.*

*Robert Gardner made the motion to approve the Special Permit in accordance with the Board's stated findings and proposed conditions: The motion was seconded by Michael Medeiros. The motion passed unanimously.*

*Chairman Figueiredo asked for a motion to adjourn.*

*Robert Gardner made the motion to adjourn, which was seconded by Michael Medeiros. The motion passed unanimously.*

*7:40 P.M. Hearing adjourned*

*Michelle Vieira*

Michelle Vieira, Principal Clerk  
Zoning Board of Appeals

Date of approval: 4-14-15

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 APR 15 PM 12 48  
 SOUTHWORTH TOWN CLERK



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

Board Members

Jacqueline Figueiredo, Chairman  
Halim Choubah, P.E., Clerk  
Robert Gardner, Member

MINUTES

DATE OF HEARING: March 31, 2015  
CASE: VARIANCE/CHANGE OF USE VARIANCE  
CASE NO: 2015-05  
PETITIONER/APPLICANT: Joseph E & Maria F. Carvalho  
PROPERTY OWNER(S): Joseph E. & Maria F. Carvalho  
SUBJECT PROPERTY: 43 Harvest Avenue  
DISTRICT: Single Residence B and Zone III Aquifer Protection Districts  
Map: 66-20 Lot: 46  
BRISTOL COUNTY  
REGISTRY OF DEEDS: Book: 4553 Page: 182

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APR 16 PM 12 49  
DARTMOUTH TOWN CLERK

ATTENDANCE

PRESENT: The Board: Chairman Jacqueline Figueiredo, Robert Gardner, and Michael Medeiros Esq.  
ADDITIONAL BOARD MEMBERS: Clerk Halim Choubah P.E and Dr. Rahim Aghai,  
Principal Clerk Michelle Vieira  
ABSENT: Dr. David Dore

ALSO PRESENT: Joseph Carvalho

7:45 PM Chairman Figueiredo opened the hearing

LEGAL AD:

Notice is hereby given of a public hearing to be held on **Tuesday, March 31, 2015 at 6:15 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Joseph & Maria Carvalho who are seeking a Variance/Change of Use Variance to build a farmer's porch on the west side of building (front of the house). The property is located at 43 Harvest Avenue in the Single Residence B District and identified on Assessor's Map 66-20 as Lot(s)46. Information is on file in the office of the Board of Appeals and may be seen upon request. (Section 4A.404 Setbacks)

ADVERTISED: The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, March 11, 2015 and Wednesday, March 18, 2015.

ABUTTER'S LIST: Michael Medeiros made the motion to waive the reading of the abutter's list into the record, which was seconded by Robert Gardner. 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 March 19, 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 February 26, 2015
- Site Plan by Charon Associated, Inc., dated December 12, 2014
- Proposed Plans and Elevations by Comprehensive Design Build Services dated July 15, 2013
- Photos
- Variance Decision Case #2002-59

*Chairman Figueiredo read into the record a letter from Planning Director, John P. Hansen, Jr. dated February 26, 2015*

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

Mr. Carvalho stated he would like to build a farmer's porch on his home. He stated the property is in violation of setback requirements because when the home was built the steps were not considered in the setback requirements. He stated he submitted photos of the homes in his neighborhood that have attached porches. Mr. Carvalho also said that the top half of his street fall under the old by-laws, (with setbacks of 55').

*Chairman Figueiredo asked any Board Members if they had questions.*

*No questions by Board Members.*

*Chairman Figueiredo invited public comments.*

*No questions from the public.*

The Board made findings which are listed in the Decision.

The Board proposed conditions which are listed in the Decision.

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

*Robert Gardner made the motion to close the public hearing which was seconded by Michael Medeiros. The motion passed unanimously.*

*Robert Gardner made the motion to approve the Special Permit in accordance with the Board's stated findings and proposed conditions; the motion was seconded by Michael Medeiros. The motion passed unanimously.*

*Chairman Figueiredo asked for a motion to adjourn.*

*Robert Gardner made the motion to adjourn, which was seconded by Michael Medeiros. The motion passes unanimously.*

*7:55 P.M. Hearing adjourned*

*Michelle Vieira*

Michelle Vieira, Principal Clerk  
For the Zoning Board of Appeals

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 WASHINGTON TOWN CLERK





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

*Board Members*  
*Jacqueline Figueiredo, Chairman*  
*Halim Choubah, P.E., Clerk*  
*Robert Gardner, Member*

**MINUTES**

DATE OF HEARING: March 31, 2015  
CASE: SPECIAL PERMIT  
CASE NO: 2015-04  
PETITIONER/APPLICANT: Stephanie Koska  
PROPERTY OWNER: Stephanie Koska  
REPRESENTATIVE: Antonio Vielho  
SUBJECT PROPERTY: 15 Ann Avenue  
DISTRICT: Single Residence A  
MAP: 149 LOT: 40  
BRISTOL COUNTY  
REGISTRY OF DEEDS: Book: 1697 Page: 432

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DARTMOUTH TOWN CLERK

**ATTENDANCE**

**PRESENT:** The Board: Chairman Jacqueline Figueiredo, Robert Gardner, and Michael Medeiros, Esq.  
**ADDITIONAL BOARD MEMBERS:** Clerk Halim Choubah P.E. and Dr. Rahim Aghai  
Principal Clerk Michelle Vieira  
**ABSENT:** Dr. David Dore

**ALSO PRESENT:** Rui Couto, Stephanie Koska and George Amaral, Contractor

*6:53 P.M. Chairman Figueiredo opened the hearing*

**LEGAL AD:**

Notice is hereby given of a public hearing to be held on **Tuesday, March 31, 2015 at 6:15 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Stephanie Koska who is seeking a Special Permit to construct a 6'x18' Farmers Porch with two (2) steps. The property is located 15 Ann Avenue in the Single Residence A District and identified on Assessor's Map 149 as Lot(s) 40. Information is on file in the office of the Board of Appeals and may be seen upon request. (Section 3B.202 ) Expansion of non-conforming one (1) or two (2) family structures.

**ADVERTISED:** The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, March 11, 2018 and Wednesday, March 18, 2015.

**ABUTTER'S LIST:** Michael Medeiros made the motion to waive the reading of the abutter's list, which was seconded by Robert Gardner. 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 February 20, 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 dated February 25, 2015
- Site Plan by AVT Associates dated December 2, 2014.

*Chairman Figueiredo read into the record a letter from Planning Director, John P. Hansen, Jr. dated February 25, 2015.*

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

Rui Couto, owner of the home stated he would like to replace the existing porch with a new farmer's porch.

*Chairman Figueiredo invited any board members to ask questions.*

*Mr. Gardner questioned the dimensions of the porch and the stairs.*

Mr. Carvalho explained that they dropped a step down onto the porch then 2 steps from the porch to the ground.

*Chairman Figueiredo invited public comments regarding this project.*

*No comments from the public.*

The Board made findings which are listed in the Decision

The Board made proposed conditions which are listed in the Decision.

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

*Robert Gardner made the motion to close the public hearing, seconded by Michael Medeiros, motion passes unanimously.*

*Robert Gardner made the motion to approve the SPECIAL PERMIT in accordance with the Board's stated findings and proposed conditions; the motion was seconded by Michael Medeiros and passed unanimously.*

*Chairman Figueiredo asked for a motion to adjourn.*

*Michael Medeiros made the motion to adjourn the meeting, the motion was seconded by Robert Gardner, and motion passed unanimously.*

8:10 P.M. Hearing adjourned

*Michelle Vieira*

Michelle Vieira, Principal Clerk  
Zoning Board of Appeals

Date of approval: 4-14-15

PROVIDED  
APR 16 PM 1 01  
TOWN CLERK