



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

RECEIVED
2015 JUL 1 AM 9 52
DARTMOUTH TOWN CLERK

HEARING DATE: June 16, 2015
CASE: SPECIAL PERMIT
CASE NO: 2015-10
PETITIONER/APPLICANT: Paul and Nancy Cruz
PROPERTY OWNER: Paul and Nancy Cruz
SUBJECT PROPERTY: 574 Slocum Road
DISTRICT: Single Residence A
Map: 169 Lot: 56

BRISTOL COUNTY
REGISTRY OF DEEDS: Book: 11266 Page: 82

PRESENT: The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah P.E. and Robert Gardner
ASSOCIATE MEMBERS: Michael Medeiros, Esq. and Dr. Rahim Aghai
Principal Clerk Michelle Vieira and Deborah Melino-Wender Director of Development

ALSO PRESENT: Paul and Nancy Cruz

6:30 P.M. Chairman Figueiredo opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, June 16, 2015 at 6:30 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Paul and Nancy Cruz who are seeking a Special Permit to add a bathroom to an existing garage. (Section 4A.302 Accessory Buildings or Structures with Kitchen or Bathroom Facilities) The property is located at 574 Slocum Road in the Single Residence A District and identified on Assessor's Map 169 as Lot 56. 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, May 20, 2015 and Wednesday, May 27, 2015.

ABUTTER'S LIST: Halim Choubah motioned to waive the reading of the abutter's list, 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 May 6, 2015
- Schedule of Departmental Payment of Fees To Collector's Office

- Legal Ad
- Certified Abutter's List
- Vision Appraisal Card
- Letter from Planning Director dated May 8, 2015
- Proposed Second Floor With Bathroom Plans by Mark Lawton Architect, dated April 16, 2015

Chairman Figueiredo read into the record a letter from Planning Director, John P. Hansen, Jr. dated May 8, 2015.

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

Paul Cruz the Petitioner, stated he would like to add a bathroom to the existing garage. He also stated he has five children and would like that extra space.

Chairman Figueiredo stated that she was concerned with the potential use of the space. Chairman Figueiredo informed Mr. Cruz that if he intended to make this space into an accessory apartment in the future there were certain regulations in the by-laws he would have to follow.

Chairman Figueiredo invited any board members to ask questions.

Halim Choubah questioned the second means of egress and the shower, that it could easily be converted into living space. Mr. Choubah stated that it could be approved as a recreational room, that the Board would place a condition that the Zoning Enforcement Officer would conduct a yearly inspection.

The Board noted that a Variance would be needed if the Petitioners decided to convert the space into an accessory apartment.

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

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

The Board made findings which are listed in the Decision.

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

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.

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

7:00 P.M. Hearing adjourned

Michelle Vieira

Michelle Vieira, Principal Clerk

Zoning Board of Appeals

Date of approval: 6-30-15



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Robert Gardner, Member

MINUTES

HEARING DATE: June 16, 2015
CASE: SPECIAL PERMIT
CASE NO: 2015-11
PETITIONER/APPLICANT: Silvino and Ann Devine Ferreira
PROPERTY OWNER: Silvino and Ann Devine Ferreira
SUBJECT PROPERTY: 57 Beach Avenue
DISTRICT: Single Residence B
Map: 105 Lot: 17

BRISTOL COUNTY
REGISTRY OF DEEDS: Book: 1781 Page: 50

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PRESENT: The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah P.E. and Robert Gardner
ASSOCIATE MEMBERS: Michael Medeiros, Esq. and Dr. Rahim Aghai
Principal Clerk Michelle Vieira, Director of Development Deborah Melino-Wender

ALSO PRESENT: Silvino and Ann Devine Ferreira

7:05 P.M. Chairman Figueiredo opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, June 16, 2015 at 6:30 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Silvino and Ann Devine Ferreira who are seeking a Special Permit to add a bay window to the front of the home. (Section 3B.202-Expansion of Non-Conforming One or Two Family Structures) The property is located at 57 Beach Avenue in the Single Residence B District and identified on Assessor's Map 105 as Lot 17. 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, May 20, 2015 and Wednesday, May 27, 2015.

ABUTTER'S LIST: Halim Choubah motioned to waive the reading of the abutter's list, 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 May 8, 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 May 27, 2015
- Proposed Building Addition by Prime Engineering dated May 26, 2015

Chairman Figueiredo read into the record a letter from Planning Director, John P. Hansen, Jr. dated May 27, 2015.

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

Mr. Ferreira stated that a bay window existed before 1975 when the house was remodeled and was removed, and would now like to add bay windows to both the first and second floor of the home.

Chairman Figueiredo invited any board members to ask questions.

No questions from board members.

Chairman Figueiredo invited public comments regarding this project.

Donald White and Barbara Norton neighbors of the Ferreira's stated that they were in favor of the proposed project and that it would be an enhancement to the neighborhood.

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

Halim Choubah made the motion to close the public hearing, seconded by Robert Gardner, motion passes unanimously.

The Board made findings which are listed in the Decision.

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

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

Chairman Figueiredo asked for a motion to adjourn.

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

7:15 P.M. Hearing adjourned

Michelle Vieira

Michelle Vieira, Principal Clerk

Zoning Board of Appeals

Date of approval: 6.30.15



TOWN OF DARTMOUTH RECEIVED
Office of the Zoning Board of Appeals
400 Slocum Road, Dartmouth, MA 02747
(508) 910-1868 2015 JUL 1 AM 9 51

ADMINISTRATIVE MINUTES DARTMOUTH TOWN CLERK

DATE OF HEARING: June 16, 2015

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

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

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

Principal Clerk Michelle Vieira

Chairman Figueiredo announced next meeting date for the Zoning Board of Appeals will be June 30, 2015 at 6:00 P.M. Room 304 at the Town Hall.

Chairman Figueiredo announced the resignation of Alternate member Dr. David Dore, and would welcome anyone to consider being an Alternate on the Zoning Board of Appeals.

Chairman Figueiredo also informed the Board that we will continue revising the Zoning Board of Appeals Rules and Regulations at the June 30th meeting at 6:00 PM. The Comprehensive Permit revisions will be addressed at a later date.

Chairman Figueiredo brought to the Boards attention the recent Zoning By-Law changes proposed and passed at the fall meeting. Also, the Board received in their packets the updated By-Laws that were amended October 21, 2014.

ADMINISTRATIVE MINUTES:

Halim Choubah made the motion to approve the following Administrative Minutes of May 19, 2015 as amended; Robert Gardner seconded the motion which passed unanimously.

The following Hearing Minutes were approved as amended:

- Minutes of May 19, 2015 Variance Case #2015-07- Roland and Suzanne Valois
The motion was made by Robert Gardner, seconded by Halim Choubah to approve as amended.
The motion passed unanimously.
- Minutes of May 19, 2015 Amendment Case #2015-08-Ghenta and Mills Dental Group, P.C.
The motion was made by Robert Gardner, seconded by Halim Choubah to approve as amended.
The motion passed unanimously.

The following Cases were heard June 30, 2015:

Special/Variance Case #2015-09-111 Chase road-Withdrawn without prejudice

(On agenda Section referenced should have read Section 4B.310 not 4B.301)

Special Permit Case #2015-10-574 Slocum Road-approved (with conditions)

Special Permit Case #2015-11-57 Beach Avenue-Approved

(On agenda Section referenced should have read Section 3B.202 not 4B.404)

Michelle Vieira, Principal Clerk

For the Zoning Board of Appeals

Date of Approval: 6-30-15



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Robert Gardner, Member

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MINUTES

DATE OF HEARING: June 16, 2015
 CASE: SPECIAL PERMIT/VARIANCE
 CASE NO: 2015-09
 PETITIONER/APPLICANT: Bell Atlantic Mobile of Mass. Corp. Ltd. d/b/a Verizon Wireless
 PROPERTY OWNER: Dorothy A. Szala Family Revocable Trust
 REPRESENTATIVE: Carl Gehring, Gehring & Associates, LLC
 SUBJECT PROPERTY: 111 Chase Road
 DISTRICT: Single Residence B
 Map: 50 Lot: 16

BRISTOL COUNTY
 REGISTRY OF DEEDS: Book: 11035 Page: 281

PRESENT: The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah P.E. and Robert Gardner
ASSOCIATE MEMBERS: Michael Medeiros, Esq. and Dr. Rahim Aghai
 Principal Clerk Michelle Vieira, Director of Development Deborah Melino-Wender

ALSO PRESENT: Anthony Savastano, Town Counsel, Carl Gehring, Gehring & Associates, LLC., Dorothy A. Szala Property Owner

7:25 P.M. Chairman Figueiredo opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, June 16, 2015 at 6:30 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Bell Atlantic Mobile of Mass. Corp. Ltd. d/b/a Verizon Wireless who is seeking a SPECIAL PERMIT (Section 4B.301) and (M.G.L. c.40A, 47 U.S.C. 332(c) (7)(B) , 47 U.S.C. 1455) and VARIANCES (Section 36; M.G.L. c.40A, 47 U.S.C. 332(c)(7)(8), 47 U.S.C. 1455) in order to co-locate antennas and accessory equipment on an existing tower and to modify existing variances (Case #'s 1994-38, 1994-38R, 1994-38R2 and the Review Hearing dated January 15, 1998) which included conditions that the tower shall be used solely for amateur use. The subject property is located at 111 Chase Road (existing tower on rear lot) in the Single Residence B District and identified on Assessor's Map 50 as Lot 16. Information is on file in the office of the Board of Appeals and may be seen upon request. (Note: Section 4B:301 should have read Section 4B.310)

ADVERTISED: The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, May 20, 2015 and Wednesday, May 27, 2015.

ABUTTER'S LIST: Halim Choubah motioned to waive the reading of the abutter's list, 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/Variance applications time stamped with the Town Clerk on May 1, 2015
- Schedule of Departmental Payment of Fees To Collector's Office
- Legal Ad
- Certified Abutter's List
- Vision Appraisal Card
- Letter from Planning Director dated May 5, 2015
- Information Binder from Gehring Associates

Chairman Figueiredo read into the record a letter from Planning Director, John P. Hanson, Jr. dated May 5, 2015.

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

Carl Gehring Property Owner's Agent, and on behalf of Verizon Wireless presented proposed plans to co-locate wireless communications antennas on an existing tower and place an accessory shelter including a stand-by power generator on-grade at the base of the tower.

Board members raised questions regarding the lot size and abutting lot, ownership and existing tower.

*Chairman Figueiredo invited any board members to ask questions.
No comments from the Board.*

Attorney Savastano, Town Counsel explained that this is not an allowed use; it requires a Special Permit under 4B.310. A Special Permit under 4B is only allowed if it meets the development standards of the district and in this case the standards cannot be met. (Setback from property lines is not twice the height of the structure.) He also stated the applicant needs to apply for a Use Variance and an amendment to the existing Variance. Attorney Savastano also informed the Board that the property owner needs to convey the two lots to common ownership.

Chairman Figueiredo invited public comments regarding this project.

Abutters Paula Toole, Roland Piche and Gina Digicomo stated that they are in opposition of the cell tower for numerous reasons including the depreciation of property value, the appearance of the tower, and the necessity for another cell tower in the area etc.

Abutters Frank and Elaine Gizzy stated they are in favor of the cell tower.

After talking to the Property Owner and Town Counsel, Mr. Gehring requested that the application be withdrawn without prejudice. Verizon will work with Town Counsel to rectify the lot issue with the property owner and return with a new application.

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

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

Chairman Figueiredo asked for a motion regarding the request to withdraw the petition without prejudice.

Robert Gardner made the motion to accept the request to withdraw the petition without prejudice. The motion was seconded by Halim Choubah. The motion passed unanimously.

Chairman Figueiredo asked for a motion to close the hearing on Case # 2015-09.

Halim Choubah made the motion to close the hearing on Case # 2015-09. The motion was seconded by Robert Gardner. The motion passed unanimously.

Chairman Figueiredo asked for a motion to adjourn.

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

9:25 P.M. Hearing adjourned

Michelle Vieira

Michelle Vieira, Principal Clerk

Zoning Board of Appeals

Date of approval: 6-30-15