



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

ADMINISTRATIVE MINUTES

DATE OF HEARING: June 30, 2015

6:00 P.M. Clerk Halim Choubah opened the meeting; Pledge the Flag, Moment of Silence

PRESENT: Clerk Halim Choubah P.E., Robert Gardner and Dr. Rahim Aghai
ASSOCIATE MEMBERS: Michael Medeiros Esq.
 Principal Clerk Michelle Vieira
ABSENT: Chairman Jacqueline Figueiredo

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 DARTMOUTH TOWN CLERK

Clerk Halim Choubah announced next meeting date for the Zoning Board of Appeals will be July 21, 2015 at 6:00 P.M., Room 304 at the Town Hall.

Election of Officers: Robert Gardner made the motion to elect Jacqueline Figueiredo as Chairman, and Halim Choubah P.E. as Clerk. The motion was seconded by Dr. Rahim Aghai. The motion passed unanimously.

ADMINISTRATIVE MINUTES:

Robert Gardner made the motion to approve the Administrative Minutes of June 16, 2015 as amended. The motion was seconded by Dr. Rahim Aghai. The motion passed unanimously.

The following Hearing Minutes were approved as amended:

A motion was made by Robert Gardner to approve the following minutes as amended. The motion was seconded by Dr. Rahim Aghai. The motion passed unanimously.

- Minutes of June 16, 2015 Special Permit/Variance Case #2015-09- 111 Chase Road-Withdrawn without prejudice
- Minutes of June 16, 2015 Special Permit Case #2015-10-574 Slocum Road –Approved
- Minutes of June 16, 2015 Special Permit Case #2015-11-57 Beach Avenue –Approved

The following Cases were heard June 30, 2015:

- Variance Case #2015-12-55 Stoneledge Road-Continued until July 21, 2015
- Special Permit Case #2015-13-256 Bakerville Road-Approved
- Variance/Special Permit Case #2015-14-40 Nonquitt Avenue-Approved
 Special Permit-Withdrawn

A motion was made by Robert Gardner to adjourn until 6:30P.M. The motion was seconded by Dr. Rahim Aghai. The motion passed unanimously.

Michelle Vieira

Michelle Vieira, Principal Clerk

For the Zoning Board of Appeals

Date of Approval: 7/21/2015



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Board Members

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

MINUTES

DATE OF HEARING: June 30, 2015
CASE: VARIANCE/SPECIAL PERMIT
CASE NO: 2015-14
PETITIONER/APPLICANT: Roger D. Scoville
PROPERTY OWNER(S): Roger D. Scoville
REPRESENTATIVE: Peter C. Bullard
SUBJECT PROPERTY: 40 Nonquitt Avenue
DISTRICT: Single Residence B
Map: 100 Lot: 3
REGISTRY OF DEEDS: Book: 5498 Page:186

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PRESENT: The Board: Clerk Halim Choubah P.E., Robert Gardner and Michael Medeiros, Esq.

ASSOCIATE MEMBERS: Dr. Rahim Aghai
Principal Clerk Michelle Vieira

ABSENT: Chairman Jacqueline Figueiredo

ALSO PRESENT: Attorney Peter Bullard, Mark Schmidt Architect, Roger Scovill Petitioner

6:55 PM Clerk Halim Choubah opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, June 30, 2015 at 6:30 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Roger D. Scoville who is seeking a Variance and Special Permit to construct an addition to an existing structure that will be 1340 sq. ft. on the first floor and 1000 sq. ft. on the second floor (Section 4B.404 Setbacks), and (Section 3B.202 Expansion of Non-Conforming One or Two Family Structures). The property is located at 40 Nonquitt Avenue in the Single Residence B District and identified on Assessor's Map 100 as Lot 3. 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, June 3, 2015 and Wednesday, June 10, 2015.

ABUTTER'S LIST: Robert Gardner motioned to waive the reading of the abutter's list into the record. The motion 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

- Variance application time stamped with the Town Clerk on May 29, 2015

- Schedule of Departmental Payment of Fees To Collector's Office
- Certified Abutter's List
- Vision Appraisal Card
- Letter from Planning Director John P. Hansen, Jr. dated June 9, 2015
- Site Plan by Boucher & Heureux, Inc. dated May 6, 2015
- Proposed Addition by Dewing-Schmid Kearns Architects + Planners dated January 29, 2015
- Several letters of support from abutters

Clerk Halim Choubah read into the record a letter from Planning Director, John P. Hansen, Jr. dated June 9, 2015. Mr. Choubah also read the comment from Board of Health which stated "That a new septic system installed in 2015 that provides for six (6) bedrooms and that the existing and proposed plans will be reviewed when the Applicant files for the Building Permit".

Clerk Halim Choubah invited the Petitioner or Representative to present the case.

Attorney Peter Bullard informed the Board that the Petitioner Mr. Scoville has shown the plans of the proposed construction to all of the abutters. Also, several (7) letters of support have been submitted. The proposal is to raze part of the western side of the property and to build a two story addition. The total addition is approximately 2300 sq. ft. Mr. Bullard stated that the requested relief could be through a Variance, Special Permit or both. It was suggested by Paul Murphy Building Inspector, to be safe and apply for both. Mr. Bullard felt his client would be better served with a Variance (although a Variance is at a higher legal standard) because it runs with the land and from a title perspective it would be better for the Applicant.

Michael Medeiros made reference to the irregular lot size; that north and west of the property is a golf course, which made him understand why a Variance is being sought. Mr. Medeiros asked if there was any type of vegetation on the northern side of the driveway. There isn't.

Mr. Bullard stated that the property is one quarter acre and not square, it has jagged angles. He went on to say that the Petitioner uses Massasoit Street (paper street) to access his property and the golf course is west and northwest. There aren't any homes on the west side that will be affected by some of the setback issues.

There was further discussion regarding a Variance vs. a Special Permit.

Mr. Bullard stated that both permits are seeking the same reliefs: the setback from Massasoit Street is 23'- proposed is 21', The northerly setback is 10'- proposed is 2'5", and the driveway setback is 10'- proposed is 0. He continued by stating the relief could be a Variance. He also stated that the shape is unusual and is undersized, the topography is unusual as it abuts a golf course, the hardship concerns the small lot and setbacks, and it is not detrimental to the public good.

Mr. Choubah expressed concerns regarding the driveway and making the turn. The Petitioner stated that it can be done.

Roger Scoville, the Petitioner stated that the present home is not winterized. He stated it needs to be in order for he and wife live there and in its current condition it is not possible. Mr. Scoville also stated that they own land to the north but that it's all septic system.

Halim Choubah stated that there is no room in the front, to the south or to the east, and the north side has the septic system.

Michael Medeiros stated that there would be similar issues with the setbacks given the irregular lot size if they were able to expand on the north side and the Petitioners cannot use the home in the winter (it's a summer cottage).

Mark Schmid, the Architect stated that a garage is needed and that the house needs to be winterized in order for the Petitioners to utilize their home. He stated the challenge was not to destroy the front section of the historic home. By removing the back section of the home, they are able to preserve that historic section of the home.

After further discussion the Board agreed that only a Variance will be needed and primarily the setbacks are the concern.

The Board made findings which are listed in the Decision.

The Board proposed conditions which are listed in the Decision.

*Clerk Halim Choubah asked any Board Members if they had questions.
No questions by Board Members.*

*Clerk Halim Choubah invited public comments.
No public comments.*

Attorney Peter Bullard requested the withdrawal of the Special Permit.

Robert Gardner made the motion to withdraw the application for the Special Permit. The motion was seconded by Michael Medeiros. The motion passed unanimously.

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

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

Halim Choubah asked for a motion to adjourn.

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

7:32 P.M. Hearing adjourned

Michelle Vieira

Michelle Vieira, Principal Clerk
For the Zoning Board of Appeals
Date of Approval: 7/21/15



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

MINUTES

DATE OF HEARING: June 30, 2015
CASE: SPECIAL PERMIT
CASE NO: 2015-13
PETITIONER/APPLICANT: D&H Holdings LLC
REPRESENTATIVE: Daniel C. Perry Esq.
PROPERTY OWNER: D&H Holdings LLC
SUBJECT PROPERTY: 256 Bakerville Road
DISTRICT: Single Residence B
Map: 29 Lot: 36

BRISTOL COUNTY
REGISTRY OF DEEDS: Book: 10523 Page: 132

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

ALSO PRESENT: Attorney Daniel C. Perry and Hope Jeffrey, Petitioner

6:45 P.M. Clerk Halim Choubah opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, June 30, 2015 at 6:30 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of D&H Holdings LLC who is seeking a Special Permit to add a bathroom to an existing barn. The property is located 256 at Bakerville Road in the Single Residence B District and identified on Assessor's Map 29 as Lot 36. 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, June 3, 2015 and Wednesday, June 10, 2015.

ABUTTER'S LIST: Robert Gardner motioned to waive the reading of the abutter's list. The motion was seconded by Dr. Rahim Aghai. 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 21, 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 Hansen Jr. dated May 26, 2015
- Photo
- Site Plan prepared by Boucher & Heureux, Inc. dated May 22, 2015
- Floor Plan prepared by Boucher & Heureux, Inc. dated May 19, 2015
- Plan of Land prepared by Mauk, Boucher & Heureux, Inc dated June 16, 1998

Clerk Halim Choubah read into the record a letter from Planning Director, John Hansen Jr., dated May 26, 2015.

Clerk Halim Choubah invited the Petitioner or representative to present the case.

Attorney Daniel Perry representing the Petitioner's stated that the Petitioners are seeking a Special Permit to construct a half bathroom in the existing barn/carriage house. Portions of the barn are used for storage and office space; the bathroom is for convenience. Attorney Perry stated there are no plans or intentions of using the space as living space.

Clerk Halim Choubah invited any board members to ask questions.

No questions from board members.

Clerk Halim Choubah invited public comments regarding this project.

No comments from the public.

Clerk Halim Choubah asked for a motion to close the public hearing.

Robert Gardner made the motion to close the public hearing, seconded by Dr. Rahim Aghai. The motion passed 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. The motion was seconded by Dr. Rahim Aghai. The motion passed unanimously.

6:55 P.M. Hearing adjourned

Michelle Vieira
Michelle Vieira, Principal Clerk
Zoning Board of Appeals
Date of approval: 7/21/15



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Board Members

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

MINUTES

DATE OF HEARING: June 30, 2015
CASE: VARIANCE/CHANGE OF USE VARIANCE
CASE NO: 2015-12
PETITIONER/APPLICANT: Joseph and Maria Medeiros
PROPERTY OWNER(S): Joseph and Maria Medeiros
SUBJECT PROPERTY: 55 Stoneledge Road
DISTRICT: General Residence
Map: 123 Lot: 218 & 219
REGISTRY OF DEEDS: Book: 11225 Page: 276

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ATTENDANCE

PRESENT: The Board: Clerk Halim Choubah P.E. and Robert Gardner, and Dr. Rahim Aghai
ASSOCIATE BOARD MEMBERS: Michael Medeiros Esq. (recused and left the hearing)
Principal Clerk Michelle Vieira
ABSENT: Chairman Jacqueline Figueiredo

6:30 P.M. Clerk Halim Choubah opened the hearing.

LEGAL AD:

Notice is hereby given of a public hearing to be held on **Tuesday, June 30, 2015 at 6:30 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Joseph and Maria Medeiros who are seeking a Variance which would create a lot that does not meet lot size requirements. The property is located at 55 Stoneledge Road in the General Residence District and identified on Assessor's Map 123 as Lot 218 & 219. Information is on file in the office of the Board of Appeals and may be seen upon request. (Section 5.401 Lot Area)

ADVERTISED: The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, June 3, 2015 and Wednesday, June 10, 2015.

ABUTTER'S LIST: Robert Gardner motioned to waive the reading of the abutter's list into the record. The motion was seconded by Dr. Rahim Aghai. 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

- Variance application time stamped with the Town Clerk on May 12, 2015
- Schedule of Departmental Payment of Fees To Collector's Office
- Certified Abutter's List

- Vision Appraisal Card
- Letter from Planning Director John P. Hansen, Jr. dated May 15, 2015
- Site Plan by Kenneth R. Ferreira Engineering dated April 7, 2015
- Building Permit dated April 9, 2015
- Letter via e-mail from Petitioner Joseph V. Medeiros dated June 30, 2015 requesting a continuance

Alternate Member Attorney Michael Medeiros recused himself from the case.

Clerk Halim Choubah read into the record a letter from Planning Director, John P. Hansen, Jr. dated May 15, 2015

Clerk Halim Choubah read a letter from the Petitioners dated June 30, 2015 stating the reason for asking for the continuance.

Clerk Halim Choubah invited public comments.

Mary Margaret Quinn and Margaret Quinn owners of abutting property had questions and concerns regarding statements on the application. They also had concerns regarding the inconsistencies on the assessors map and the map submitted by the Engineer.

*Clerk Halim Choubah asked the board members if they had any questions.
No questions from the board.*

Clerk Halim Choubah asked for a motion to continue the hearing.

Robert Gardner made a motion to continue Case # 2015-13 until July 21, 2015. The motion was seconded by Dr. Rahim Aghai. The motion passed unanimously.

6:44 P.M. Hearing adjourned

Michelle Vieira

Michelle Vieira, Principal Clerk
For the Zoning Board of Appeals

Date of Approval: 7/21/2015