



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

RECEIVED
2015 OCT 15 AM 9 30
DARTMOUTH
OWN CLERK

ADMINISTRATIVE MINUTES

DATE OF HEARING: September 15, 2015

6:00 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(S): Michael Medeiros Esq.

Principal Clerk Michelle Vieira

ABSENT: Dr. Rahim Aghai and Alvin Youman Esq.

Chairman Jacqueline Figueiredo announced next meeting date for the Zoning Board of Appeals will be September 29, 2015 at 6:00 P.M., Room 304 at the Town Hall.

Chairman Jacqueline Figueiredo informed the Board that the O'Connor-Sisson House had their ground breaking ceremony September 11, 2015. Chairman Jacqueline Figueiredo continued by stating that she had signed and had the document/rider notarized that confirms that the Zoning Board of Appeals agrees to the Comprehensive Permit and to the plan.

ADMINISTRATIVE MINUTES:

Robert Gardner made the motion to approve the Administrative Minutes of August 25, 2015 as amended. The motion was seconded by Halim Choubah. The motion passed unanimously.

Approvals of the following Hearing Minutes deferred until drafts have been reviewed by Town Counsel.

- Review and Approval of Minutes (January 20, 2015) Case # 2014-42 -769 State Road-Administrative Appeal
- Review and Approval of Minutes (February 17, 2015) Case # 2014-42 -769 State Road-Administrative Appeal

The following Hearing Minutes were approved as amended:

- Minutes of August 25, 2015 Variance Case #2015-19 5 Wilbur Avenue
The motion was made by Robert Gardner, seconded by Halim Choubah to approve the minutes as amended. The motion passed unanimously.

Other Administrative Items:

Chairman Figueiredo explained to the Board the reason for creating a new form for the Tax Collectors signature is to ensure that taxes are paid prior to submitting an application to the Zoning Board. The language in the application instructions are revised and explains the procedure on obtaining the signature.

Chairman Figueiredo and the Board continued revising the Rules and Regulations of the Zoning Board of Appeals until 6:30 PM.

The following Cases were heard September 15, 2015:

- Special Permit # 2015-20 -180 Horseneck Road
- Variance # 2015-21 - 11 Cottage Street

Michelle Vieira, Principal Clerk

For the Zoning Board of Appeals

Date of Approval: 9-29-15



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Board Members

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

MINUTES

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DATE OF HEARING: September 15, 2015
CASE: VARIANCE
CASE NO: 2015-21
PETITIONER/APPLICANT: Richard W. Hopp and Jacqueline A. Allain Hopp
PROPERTY OWNER(S): Richard W. Hopp and Jacqueline A. Allain Hopp
SUBJECT PROPERTY: 11 Cottage Street
DISTRICT: General Residence
Map: 121 Lot: 122

BRISTOL COUNTY
REGISTRY OF DEEDS BOOK: 1791 PAGE: 0629

ATTENDANCE

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

ASSOCIATE BOARD MEMBERS: Michael Medeiros Esq.

Principal Clerk Michelle Vieira

ABSENT: Dr. Rahim Aghai and Alvin Youman Esq.

ALSO PRESENT: Richard Rheaume, Prime Engineering and Richard Hopp, Petitioner

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, September 15, 2015 at 6:30 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Richard and Jacqueline Hopp who are seeking a Variance to raze the existing dwelling, garage and shed and construct a new dwelling with attached garage with a comparable front yard setback from Cottage Street. The property is located at 11 Cottage Street in the General Residence District and identified on Assessor's Map 121 as Lot 122. Information is on file in the office of the Board of Appeals and may be seen upon request. (Section 5.404A Setbacks: A twenty (20) foot minimum setback from street r-o-w lines or vehicular easement lines.)

ADVERTISED: The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, August 26, 2015 and Wednesday, September 2, 2015.

6:55 PM Chairman Figueiredo opened the hearing

ABUTTER'S LIST: Robert Gardner motioned to waive the reading of the abutter's list into the record, which was 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 August 13, 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 August 14, 2015
- Photos
- Plans by Prime Engineering
- Architectural Drawings by Bob Rego

Chairman Figueiredo read into the record a letter from Planning Director John P Hansen dated August 14, 2015 .

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

Richard Rheume from Prime Engineering informed the Board that the existing dwelling, garage, and shed are on the corner of Cottage Street and Clarence Street and was constructed in 1938 before there were zoning setback requirements, and that the lot is 82' deep. The proposal is to construct a new main dwelling with an attached 2 car garage. He continued by stating if the dwelling were to be set back from Cottage Street the 20' required by the Zoning standards, there would only be a 21' backyard which would be restrictive. The Petitioners could add to the right and the left side of the property which would be allowed, but the existing foundation and the quality of the walls would not support the new construction. The Petitioners are proposing to construct the new dwelling further back than the existing dwelling. Instead of the 4.5' to the foundation, they're proposing an 8' to the building with the front porch steps at 4.5'. The Petitioners are proposing a 15.9' setback from Clarence Street (also considered the back yard) which would leave less than the required 20'

Chairman Figueiredo asked any Board Members if they had questions.

Halim Choubah wanted clarification that the relief is for the 4.5' and not for the 8'.

Mr. Rheume confirmed that the relief being sought is to allow 4.5' front yard setback from Cottage Street and 15.9' rear yard setback from the Northeast property line.

Chairman Figueiredo asked if the actual setback is to the driveway or to the structure.

Mr. Rheume replied, the driveway has to be 10' from the property line unless there is an evergreen hedge then it can be 5'. The setback to the driveway that the petitioner is showing is in compliance.

There was discussion regarding the 15.9' rear setback needed for Clarence Street because it's a corner lot.

Chairman Figueiredo invited public comments.

Frank Silva, 3 Bonneau Court had concerns regarding the grade.

Mr. Rheume guaranteed that the water would not drain towards the south and will basically drain the way it does presently.

Chairman Figueiredo invited further public comments.

No further comments.

The Board made findings which are listed in the Decision.

The Board proposed conditions which are listed in the Decision.

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

Halim Choubah made the motion to approve the VARIANCE 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 the hearing.

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

7:35 P.M. Hearing adjourned

Michelle Vieira

Michelle Vieira, Principal Clerk
For the Zoning Board of Appeals

Date of Approval: 10/14/15



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

MINUTES

DATE OF HEARING: September 15, 2015
CASE: SPECIAL PERMIT
CASE NO: 2015-20
PETITIONER/APPLICANT: Pamela Murray
REPRESENTATIVE: Lars Olson, General Contractor
PROPERTY OWNER: Pamela Murray
SUBJECT PROPERTY: 180 Horseneck Road
DISTRICT: Single Residence B
Map: 23 Lot: 59-4

BRISTOL COUNTY
REGISTRY OF DEEDS: Book: 10894 Page: 75

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ATTENDANCE

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

ALSO PRESENT: Lars Olsen, General Contractor and Jay MacLaughlin

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

LEGAL AD:

Notice is hereby given of a public hearing to be held on **Tuesday, September 15, 2015 at 6:30 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Pamela Murray who is seeking a Special Permit to install a bathroom in a barn/workshop. The property is located at 180 Horseneck Road in the Single Residence B District and identified on Assessor's Map 23 as Lot 59-4. 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, August 26, 2015 and Wednesday, September 2, 2015.

ABUTTER'S LIST: Robert Gardner motioned to waive the reading of the abutter's list. 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 July 31, 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 August 14, 2015
- Architectural Drawings by Hickox William Architects
- Sub-Surface Sewage Disposal System by Boucher & Heureux, Inc.
- Google Map dated September 2, 2015

Chairman Figueiredo read into the record a letter from Planning Director John P Hansen dated August 14, 2015.

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

Lars Olsen, General Contractor for the Petitioner stated that the Petitioner is proposing to install a bathroom in the barn/workshop. The structure (barn/workshop) consists of a workshop, office, greenhouse and garden area.

Chairman Figueiredo made reference to the plans. The first floor shows a garage, workshop and potting room and the second floor a study and a bedroom. She continued by stating when a bedroom is installed it becomes an accessory apartment.

Mr. Olsen stated, when the main dwelling was built the septic system was designed for four (4) bedrooms, but there are only three (3). The bedroom in the barn will be used only if there are quests.

After further discussion amongst the Board Members and Mr. Olsen, the plans for the second floor space will be revised designating the space as recreational. Conditions will be implemented.

Chairman Figueiredo invited any board members to ask questions.

Robert Gardner asked Mr. Olsen the height of the structure.

Mr. Olsen stated that the height is under 35' and it will be indicated on the revised plans.

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 invited public comments regarding this project.

No comments from the public.

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.

No further comments from the Board Members.

Halim Choubah made the motion to approve the SPECIAL PERMIT Case # 2015-20 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 close the hearing.

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

6:53 P.M. Hearing adjourned

Michelle Vieira

Michelle Vieira, Principal Clerk
Zoning Board of Appeals

Date of approval: 9.29.15