



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

## ADMINISTRATIVE MINUTES

**DATE OF HEARING: November 18, 2015**

**6:00 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, Jr.

**ASSOCIATE MEMBER(S):** Michael Medeiros Esq., Dr. Rahim Aghai, Alvin Youman Esq.

Principal Clerk Michelle Vieira

*Chairman Jacqueline Figueiredo announced next meeting date for the Zoning Board of Appeals will be Tuesday, December 1, 2015 at 6:15 P.M., Room 304 at the Town Hall.*

### ADMINISTRATIVE MINUTES:

Robert Gardner made the motion to approve the Administrative Minutes of November 4, 2015 as amended. The motion was seconded by Dr. Rahim Aghai. The motion passed unanimously.

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

- Minutes (November 4, 2015) of Special Permit Case # 2015-25 83 South Avenue  
The motion was made by Robert Gardner, Jr., seconded by Dr. Rahim Aghai to approve the minutes as amended. 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

#### **Other Administrative Items:**

The Board finished their review and revisions of the Comprehensive Permit Application

The Board will begin reviewing and revising the Supplemental Rules for Comprehensive Permits in January/February.

DARTMOUTH TOWN CLERK

2015 DEC 2 2 10 25

RECEIVED

**The following Cases were heard November 18, 2015:**

- Special Permit # 2015-23- 9 Bourgon Street-Approved

*Michelle Vieira*

Michelle Vieira, Principal Clerk  
For the Zoning Board of Appeals

Date of Approval: 12/1/15



**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 DEC 2 AM 10 25  
 DARTMOUTH TOWN CLERK

DATE OF HEARING: November 18, 2015  
 CASE: VARIANCE/CHANGE OF USE VARIANCE  
 CASE NO: 2015-23  
 PETITIONER/APPLICANT: Ana Maria Watts, Russell Watts, Nelson Watts  
 PROPERTY OWNER(S): Ana Maria Watts, Russell Watts, Nelson Watts  
 SUBJECT PROPERTY: 9 Bourgon Street  
 DISTRICT: General Residence  
 Map: 138 Lot: 250

BRISTOL COUNTY  
 REGISTRY OF DEEDS: Book: 11438 Page: 157

ATTENDANCE

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

ALSO PRESENT: Attorney Peter Saulino and Nelson Watts, Petitioner and Kelly Dollar

*6:25 PM Chairman Figueiredo opened the hearing*

NEW DOCUMENTS SUBMITTED

- Photos
- Revised Site Plan dated October 16, 2015

*Chairman Figueiredo stated this case was continued from October 14, 2015 so the Petitioners could submit a revised site plan with suggested changes as requested by the Board.*

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

Attorney Peter Saulino informed the Board that they are submitting a new site plan that was requested at the previous meeting. Attorney Saulino submitted proposed photographs of signage, and discussion pursued regarding the size and placement of signage. Also discussed were the lawn, trees, greenery along Russells Mills Road and that is reflected on the new plan. The proposed size of the storage containers will be one (1) 8.5' x 20' and one (1) 8.5' x 40'.

RECEIVED

*Chairman Figueiredo asked Attorney Saulino to verify the owners of the subject property.*

Attorney Saulino stated he prepared a new deed and it was recorded at the Bristol County Registry of Deeds, Book 11438 Page 157 dated July 30, 2015 naming Ana Maria Watts, Russell Watts, and Nelson Watts as tenants in common.

*There was discussion regarding the following: (1) The hours of operation for which Attorney Saulino submitted proposed hours. (2) If the area between the home office, the building and the two parking spaces are going to be paved, and Attorney Saulino replied that they will be. (3) Confirmation that the size of the asphalt surface area near the storage unit is approximately 1200 s.f. (4) Confirmation that the changes made on the Russells Mills Road side, the impervious area will be less than 50%, therefore in compliance. (5) The 6' gate beside the office building is to remain and, the Board suggested the commercial truck be parked on the asphalt area near the storage units. The Petitioner agreed. Regarding the fencing from the house to the bus company, the board asked why the fence is not extended along the residential parking and the petitioner informed the Board that there is a barrier of arborvitaes trees approximately 15' high. (6) The Petitioner stated that the back yard will be completely fenced in with the addition of fencing between the house and office driveway.*

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

*There were no additional questions from the Board Members at this time.*

*Chairman Figueiredo stated that the Board feels there isn't a need to continue this case, as part of the decision a revised plan will have to be submitted which will become the plan of record.*

*Regarding signage, Chairman Figueiredo read Section 10B.407 of the Bliss Corner Mixed Use by-law. After discussion the Board agreed to a 15 s.f. free-standing non-illuminated wooden sign not to exceed 5' in height.*

*Chairman Figueiredo invited public comments.*

Ellen Furtado an abutter, voiced her concerns in opposition regarding the Petitioners' proposal.

*After further discussion regarding hours, the Petitioners and Board agreed to the hours which are listed in the decision.*

Mr. Watts proposed having an open wooden fence no higher than 4' along the pavement near the storage area on the Russells Mills Road side to the end of the property line. Mr. Watts submitted photos and the Board had no objections. The Board required that it be reflected in the revised site plan.

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. The motion was seconded by Dr. Rahim Aghai. The motion passed unanimously.*

*Chairman Figueiredo asked for a motion regarding this case.*

*Robert Gardner made the motion to approve this Use Variance in accordance with the Board's stated findings and proposed conditions. The motion was seconded by Dr. Rahim Aghai. The motion passed unanimously.*

*Chairman Figueiredo asked for a motion to close the hearing on Case # 2015-23.*

*Robert Gardner made the motion to close the hearing on Case #2015-23. The motion was seconded by Dr. Rahim Aghai. The motion passed unanimously.*

*8:05 P.M. Hearing adjourned*

*Michelle Vieira*

Michelle Vieira, Principal Clerk  
For the Zoning Board of Appeals

Date of Approval: 12/1/15