



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

RECEIVED

MAR 23 AM 9:30

ADMINISTRATIVE MINUTES

DATE OF HEARING: March 8, 2023

6:00 P.M. Chairman Michael Medeiros opened the meeting

ATTENDANCE: Chairman Michael Medeiros, Esq., Dr. Rahim Aghai, Walter Faria, Esq.

ASSOCIATE MEMBERS: Alvin Youman, Esq.,

Office Administrator: Michelle Vieira

BOARD MEMBER(S) ABSENT: Halim Choubah, P.E., Robert Gardner, Jr.,

ANNOUNCEMENTS:

The next scheduled meeting date for the Zoning Board of Appeals will be Wednesday, March 22, 2023 at 6:00 P.M.

Chairman Medeiros announced that Special Permit Case ZSP-23-1 will be continued to March 22, 2023 due to lack of a quorum.

The following cases were heard March 8, 2023

- Variance ZAV-22-9 (562 Reed Road)
- Special Permit ZSP-22-13 (562 Reed Road)

ADMINISTRATIVE:

ADMINISTRATIVE MINUTES:

Walter Faria made the motion to approve the Administrative Minutes of February 8, 2023. The motion was seconded by Dr. Rahim Aghai. The motion passed unanimously.

The follow Hearing Minutes were approved as written/amended:

- Minutes (February 8, 2023) Special Permit ZSP-22-13 (562 Reed Road) The motion was made by Walter Faria and seconded by Dr. Rahim Aghai. The motion passed unanimously.
- Minutes (February 8, 2023) Variance ZAV-22-9 (562 Reed Road) The motion was made by Walter Faria and seconded by Dr. Rahim Aghai. The motion passed unanimously.

Chairman Medeiros asked for a motion to adjourn.

At 6:35 P.M. Walter Faria made the motion to adjourn. Dr. Rahim Aghai seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Michelle Vieira

Office Administrator

Date of Approval: March 22, 2023



Board Members
 Michael Medeiros, Esq., Chairman
 Halim Choubah, P.E., Clerk
 Robert Gardner, Jr., Member

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2023 MAR 23 AM 9:30
 DARTMOUTH TOWN CLERK

MINUTES

HEARING DATE: March 8, 2023
 CASE: Special Permit
 CASE NO: ZSP-22-13
 PETITIONER/APPLICANT: Steven K. and Lora A. Raposo
 PROPERTY OWNER: Steven K. and Lora A. Raposo
 SUBJECT PROPERTY: 562 Reed Road
 DISTRICT: General Business/Aquifer Protection Zone III
 Map: 163 Lot: 19

BRISTOL COUNTY
 REGISTRY OF DEEDS: Book: 10793 Page: 114

ATTENDANCE: The Board: Chairman Michael Medeiros, Esq., Dr. Rahim Aghai, Walter Faria, Esq.
 ASSOCIATE MEMBER(s): Alvin Youman, Esq.
 Office Administrator: Michelle Vieira
 BOARD MEMBER (s) ABSENT: Halim Choubah, P.E., Robert Gardner, Jr.

Also in attendance: Joseph Braga, Building Commissioner, Zoning Enforcement Officer

6:25 P.M. Chairman Medeiros opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on **Wednesday, February 8, 2023 at 6:00 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Steven K. and Lora A. Raposo (Paws n' Play) who are seeking a Special Permit for lot coverage relief to construct an approximately 45' x 80' (4,213 sq. ft.) dog daycare building. (Article 28, Section 375-28.5 B (8) Prohibited Uses) The property is located at 562 Reed Road in the General Business and Aquifer Protection, Zone III Districts and identified on Assessor's Map 163 Lot 19. Information is on file in the office of the Board of Appeals and may be seen upon request. Notice also on www.masspublicnotices.org

ADVERTISED: The Notice for public hearing was published in Dartmouth Week on Thursday, January 19, 2023 and Thursday, January 26, 2023.

ABUTTER'S LIST: At the February 8, 2023 meeting, Walter Faria made the motion 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

- Special Permit Viewpoint Zoning Review on January 4, 2023
- Schedule of Departmental Payment of Fees To Collector's Office
- Legal Ad
- Certified Abutter's List
- Vision Appraisal Card
- Tax Collectors form
- Denial Letter dated December 28, 2022
- Site Plan dated October 19, 2022 by Prime Engineering
- Architectural Plans (Proposed Kennel Improvements) prepared by Prime Engineering

Chairman Medeiros gave a summary on the case by stating the Petitioners are seeking a Special Permit for lot coverage relief to construct an approximately 45' x 80' (4,213 sq. ft.) dog daycare building. Chairman Medeiros continued by stating, whereas DPW had a concern regarding calculations and the determination of the impervious area that we (the Board) agreed to continue both the Special Permit and Variance until more information was received from DPW. Chairman Medeiros stated further comments were received February 22, 2023 from Tim Barber and read them into the record.

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

Richard Rheaume, Prime Engineering stated the landscape areas that have stone mulch, and cracks in the patio should not have been calculated as impervious areas which DPW agreed with. Mr. Rheaume also stated, the relief that is being sought is to allow to have all of the clean roof runoff be infiltrated from all of the roof areas, resulting in more water being infiltrated than is required by the aquifer bylaw. Also added, is a small paved area that has a storm water treatment system which is identified on the site plan as CDS 2015-4-C. With the clean roof water and a small amount of treated parking lot runoff into the ground which gets to the 17.2% impervious which is a substantial decrease from the 55.5% that is currently existing on the site.

Discussion continued regarding the percentage of impervious area which is 55.5 % which will be reduced to 17.2 %. Also discussed was the animal waste, which is hauled off the site by a licensed hauler to a licensed disposal facility. It was also stated that no type of fertilizer or pesticides would be used on the property. The Petitioners will also have to be in compliance with the Board of Health requirements.

Chairman Medeiros asked the Board if they had any questions or comments. There were none.

Chairman Medeiros asked for public comments. There were none.

The Board made findings which are listed in the Decision.

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

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

Walter Faria made the motion to close the public hearing. The motion was seconded by Dr. Rahim Aghai. The motion passed unanimously.

AT 6:25 P.M. Walter Faria made the motion to continue approve Special Permit ZSP-22-13 in accordance with the Board's stated findings and proposed conditions. The motion was seconded by Dr. Rahim Aghai. The motion passed unanimously.

Respectfully submitted,

Michelle Vieira

Michelle Vieira

Office Administrator

Date of Approval: March 8, 2023



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2023 MAR 23 AM 9:30

DARTMOUTH TOWN CLERK

Board Members

Michael Medeiros, Esq., Chairman
Halim Choubah, P.E., Clerk
Robert Gardner, Jr., Member

MINUTES

HEARING DATE: March 8, 2023
CASE: Variance
CASE NO: ZAV-22-9
PETITIONER/APPLICANT: Steven K. and Lora A. Raposo
PROPERTY OWNER: Steven K. and Lora A. Raposo
SUBJECT PROPERTY: 562 Reed Road
DISTRICT: General Business/Aquifer Protection Zone III
Map: 163 Lot: 19

BRISTOL COUNTY
REGISTRY OF DEEDS: Book: 10793 Page: 114

ATTENDANCE: The Board: Chairman Michael Medeiros, Esq., Dr. Rahim Aghai, Walter Faria, Esq.
ASSOCIATE MEMBER(s): Alvin Youman, Esq.
Office Administrator: Michelle Vieira
BOARD MEMBER (s) ABSENT: Halim Choubah, P.E., Robert Gardner, Jr.

Also in attendance: Joseph Braga, Building Commissioner, Zoning Enforcement Officer

6:05 P.M. opened the hearing

LEGAL AD- Notice is hereby given of a public hearing to be held on **Wednesday, February 8, 2023 at 6:00 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Steven K. and Lora A. Raposo (Paws n' Play) who are seeking a Variance for setback relief to construct an approximately 45' x 80' (4,213 sq. ft.) dog daycare building. (Article 33, Section 375-33.2 B (Minimum Setback Dimensions) (Article 43, Section 375-43.2 Variances) The property is located at 562 Reed Road in the General Business and Aquifer Protection, Zone III Districts and identified on Assessor's Map 163 Lot 19. Information is on file in the office of the Board of Appeals and may be seen upon request. Notice also on www.masspublicnotices.org

ADVERTISED: The Notice for public hearing was published in Dartmouth Week on Thursday, January 19, 2023 and Thursday, January 26, 2023.

ABUTTER'S LIST: At the February 8, 2023, Walter Faria made the motion 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.

- Special Permit Viewpoint Zoning Review on January 4, 2023
- Schedule of Departmental Payment of Fees To Collector's Office
- Legal Ad
- Certified Abutter's List
- Vision Appraisal Card
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- Denial Letter dated December 28, 2022
- Site Plan dated October 19, 2022 by Prime Engineering
- Architectural Plans (Proposed Kennel Improvements) prepared by Prime Engineering

Chairman Medeiros gave a summary on this case by stating the Petitioners are seeking a Variance for setback relief to construct an approximately 45' x 80' (4,213 sq. ft.) dog daycare building. Chairman Medeiros read into the record the denial letter from Joseph Braga, Building Commissioner/Zoning Enforcement and comments from Planning, Board of Health, DPW and Fire Department.

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

Chairman Medeiros verified with Joseph Braga, Building Commissioner regarding the asbestos inspections that it is the protocol for the demolishing of any building, Mr. Braga agreed.

Attorney Richard Manning informed the Board that they had granted a Variance and Special Permit on this case in May of 2021. Attorney Manning continued by stating nothing has changed regarding the Variance. The Petitioners encountered delays with engineering plans etc. which resulted in the Variance expiring. A six-month extension was granted for both the Variance and Special Permit, but had difficulties regarding the Aquifer and due to those issues previously stated and the six month extension expired. Attorney Manning reviewed the previous requests, the requirements that have to be met for granting a Variance and Attorney Manning reiterated that nothing has changed. (See minutes of May 5, 2021 and May 21, 2021 available in the ZBA office)

The Board discussed moving forward with granting the Variance and table the decision, and regarding the Special Permit, DPW is waiting for additional information regarding the numbers of the impervious surface which are different.

At 6:25 P.M. on February 8, 2023, the Board agreed to table the Variance decision and move forward with the Special Permit.

On March 8, 2023, Chairman Medeiros summarized the petitioner and asked the Board if they had any questions or comments. There were none.

Chairman Medeiros asked for public comments. There were none.

The Board made findings which are listed in the Decision.

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

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

Walter Faria made the motion to close the public hearing. The motion was seconded by Dr. Rahim Aghai. The motion passed unanimously.

AT 6:25 P.M. Walter Faria made the motion to continue approve Variance ZAV-22-9 in accordance with the Board's stated findings and proposed conditions. The motion was seconded by Dr. Rahim Aghai. The motion passed unanimously.

Respectfully submitted,

Michelle Vieira

Michelle Vieira

Office Administrator

Date of approval: March 22, 2023