

**TOWN OF DIGHTON**  
**PLANNING BOARD**  
**979 SOMERSET AVENUE**  
**DIGHTON, MA 02715**  
**Tel: (508) 669-6431, Ext. 114**  
**Fax: (508) 669-4509**

Jeff Carvalho, Chairman  
Robert J. Woods, Vice Chairman  
Joseph Figueiredo, Clerk  
Christopher Cunha, Member  
Daniel Higgins, Member

**TOWN OF DIGHTON**  
**NOTICE OF PUBLIC HEARING**

In accordance with the provision of Chapter 41, Section 81T, M.G.L., the Planning Board will hold a public hearing on November 16, 2022 at 6:00PM at Old Town Hall, 1111 Somerset Avenue, Dighton, MA on the application of Kenneth and Kim Berube for the approval of a Residential Definitive Subdivision Plan located at 1624 Old Williams Street, Dighton, MA, being shown as Assessors Map 21, Lot 32-1 containing 6.13± acres of land. The applicant proposes a 2-lot subdivision located in a Residential/Agricultural District. All interested persons should attend the hearing.

Copies of the application and plan may be requested by email at [keasterday@dighton-ma.gov](mailto:keasterday@dighton-ma.gov) or by visiting the Town of Dighton Planning Board's website. Any person wishing to be heard on the above application should appear at the time and place designated for the public hearing.

DIGHTON PLANNING BOARD  
Jeff Carvalho, Chairman

TOWN CLERK  
DIGHTON, MA  
*[Signature]*

RECEIVED  
2022 OCT 31 AM 10:00



**TOWN OF DIGHTON**  
**PLANNING BOARD**  
**979 SOMERSET AVENUE**  
**DIGHTON, MA 02715**

**PETITIONER:**

**NAME:** KENNETH J. & KIM BERUBG  
**ADDRESS:** 3177 SHALPS LOT ROAD  
DIGHTON, MA 02715

**LOCATION (from Assessors' Office)**

**PLAT AND** 1624 OLD WILLIAMS STREET  
**LOT NOS.** A.P. 21, LOT 32-01

**PRESENT  
ZONING**

RESIDENCE & AGRICULTURE

**First Record Date**  
**Planning Board Use Only**

**DATE OF THIS  
DOCUMENT**

OCTOBER 24, 2022

**File:**  
**Title:**

**FORM C**

**APPLICATION FOR APPROVAL OF DEFINITIVE SUBDIVISION PLAN**

File three (3) completed copies of this application. One (1) copy with the Planning Board, one (1) copy with the Town Clerk and one (1) copy with the Board of Health in accordance with the Rules and Regulations Governing Subdivisions.

To the Dighton Planning Board:

The undersigned, being the applicant as defined under Chapter 41, §81L, for approval of a proposed subdivision shown on a plan entitled: DEFINITIVE SUBDIVISION

by PRO-LINE ENGINEERING, INC dated OCTOBER 19, 2022 and

described as follows: SUBDIVISION OF 1 LOT INTO 2 LOTS

located 1624 OLD WILLIAMS STREET, DIGHTON, MA 02715

number of lots proposed 2, total acreage of tract 6.12 ACRES

hereby submits said plan as a **DEFINITIVE** plan in accordance with the Rules and Regulations of the Dighton Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from MICHAEL F. SLOAN AND JOHN V. SLOAN OF 99 GUY STREET, FALL RIVER, MA 02720

by deed dated AUGUST 3, 2005 and recorded in the Bristol County District Registry of Deeds Book 15143, Page 256, registered in the Bristol County Registry District of the Land Court, Certificate of Title No. \_\_\_\_\_; and said land is free of encumbrances except for the following: \_\_\_\_\_

Said plan has ( ) has not (X) evolved from a preliminary plan submitted to the Board on \_\_\_\_\_, 20\_\_\_\_ and approved (with modifications) ( ) (disapproved) ( ) on \_\_\_\_\_, 20\_\_\_\_.

The undersigned hereby applies for the approval of said DEFINITIVE plan by the Board, in belief that the plan conforms to the Board's Rules and Regulations.

RECEIVED  
Received by the Planning Board  
Date: OCT 24 2022  
Time: \_\_\_\_\_  
Payment Received: \_\_\_\_\_  
Signature: By: Dighton Planning Board

Applicant's Name: KENNETH J. & KIM BENUBE  
Applicant's Address: 3177 SHAMPSLOT ROAD  
DIGHTON, MA 02715  
Applicant's Phone#: 774-406-7074  
Applicant's Email: KIM.BENUBE@COMCAST.NET  
Signature: [Signature]

Received by the Town Clerk  
Date: October 24 2022  
Time: 4:20 pm  
Payment Received: \_\_\_\_\_  
Signature: [Signature]

Owner's name, address and signature for authorization (if other than applicant)  
Owner's Name: SAME AS APPLICANT  
Owner's Address: \_\_\_\_\_

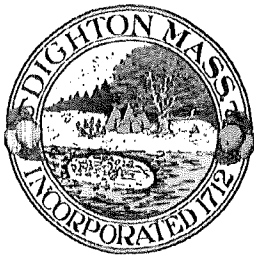
Received by the Board of Health  
Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Signature: OCT 25 2022

Signature: \_\_\_\_\_  
Owner's Phone#: \_\_\_\_\_  
Owner's Email: \_\_\_\_\_  
Signature: \_\_\_\_\_

Checklist of items to be submitted with application.

1. Application Form (x3) and any other required forms on file with the Board
2. Plans (4 Prints) & electronic version in .pdf format
3. Statements as required in Sections 3330 & 3340
4. Application Fee (please refer to Fee Schedule)
5. Project Review Fee (please refer to Fee Schedule) & completed W-9
6. Certified Abutters List (obtained from the Assessor's Office)
7. Tax Status Application Form
8. Form M Receipt for Subdivision Plan

Note: The above checklist is only a recommendation. None of the above items can be required unless specifically required by the Planning Board's Rules and Regulations.



**TOWN OF DIGHTON**  
**PLANNING BOARD**  
**979 SOMERSET AVENUE**  
**DIGHTON, MA 02715**  
**Tel: (508) 669-6431, Ext. 114**  
**Fax: (508) 669-4509**

Jeff Carvalho, Chairman  
Robert J. Woods, Vice Chairman  
Joseph Figueiredo, Clerk  
Christopher Cunha, Member  
Daniel Higgins, Member

**TOWN OF DIGHTON**  
**NOTICE OF PUBLIC HEARING**

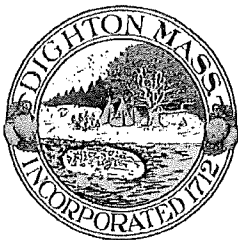
In accordance with the provision of Chapter 41, Section 81T, M.G.L., the Planning Board will hold a public hearing on November 16, 2022 at 6:00PM at Old Town Hall, 1111 Somerset Avenue, Dighton, MA on the application of Kenneth and Kim Berube for the approval of a Residential Definitive Subdivision Plan located at 1624 Old Williams Street, Dighton, MA, being shown as Assessors Map 21, Lot 32-1 containing 6.13± acres of land. The applicant proposes a 2-lot subdivision located in a Residential/Agricultural District. All interested persons should attend the hearing.

Copies of the application and plan may be requested by email at [keasterday@dighton-ma.gov](mailto:keasterday@dighton-ma.gov) or by visiting the Town of Dighton Planning Board's website. Any person wishing to be heard on the above application should appear at the time and place designated for the public hearing.

DIGHTON PLANNING BOARD  
Jeff Carvalho, Chairman

TOWN CLERK  
DIGHTON, MA  
*[Signature]*

RECEIVED  
2022 OCT 31 AM 10:00



**TOWN OF DIGHTON**  
**PLANNING BOARD**  
**979 SOMERSET AVENUE**  
**DIGHTON, MA 02715**

**PETITIONER:**

**NAME:** KENNETH J. & KIM BERYBE  
**ADDRESS:** 3177 SHARPS LOT ROAD  
DIGHTON, MA 02715

**LOCATION (from Assessors' Office)**

**PLAT AND** 1624 OLD WILLIAMS STREET  
**LOT NOS.** A.P. 21 LOT 32-01

**PRESENT**

**ZONING** RESIDENCE & AGRICULTURE

First Record Date

Planning Board Use Only

**DATE OF THIS**  
**DOCUMENT**

OCTOBER 26, 2022

File:

Title:

**FORM R**  
**SUBDIVISION WAIVER REQUEST**

**Nature of Waiver:** WAIVER REQUESTS AS SHOWN ON DEFINITIVE PLAN  
DATED OCTOBER 19, 2022 AND ATTACHED LETTER DATED OCTOBER 26, 2022

**Subdivision Rules and Regulation Reference:** REFERENCE TO DEFINITIVE PLAN AND  
ATTACHED LETTER

**Reason the waiver is requested:** TO SUBDIVIDE EXISTING LOT INTO 2 BUILDABLE  
LOTS IN ACCORDANCE WITH ZONING BOARD OF APPEALS CASE #01-22

**Alternatives to granting the waiver:** RESUBMIT PROPOSED 6 LOT SUBDIVISION  
AS PREVIOUSLY APPROVED BY THE PLANNING BOARD

**Impact of waiver denial on the project:** RESUBMIT PROPOSED 6 LOT SUBDIVISION  
AS PREVIOUSLY APPROVED BY THE PLANNING BOARD

**Reasons this waiver is in the best interests of the town and consistent with the intent and purpose of the Subdivision**

**Control Law:** IT WILL CREATE 2 BUILDABLE LOTS ON EXISTING OLD  
WILLIAMS STREET IN USE OF 6 BUILDABLE LOTS, ONE ON OLD WILLIAMS  
STREET AND 5 ON A PROPOSED ROADWAY

**Prepared by:** ROBERT M. BERYBE, P.E./PRO-LINE ENG **Date:** 10/26/22

**Subdivision:** DEFINITIVE SUBDIVISION, A.P. 21, LOT 32-01  
1624 OLD WILLIAMS STREET

**Signed:**

# PRO-LINE ENGINEERING, INC.

190 GARDNERS NECK ROAD  
SWANSEA, MASSACHUSETTS 02777

508/672-3137  
FAX/672-3307

October 26, 2022

Planning Board  
Town of Dighton  
979 Somerset Avenue  
Dighton, MA 02715

Re: Definitive Subdivision  
1624 Old Williams Street  
A.P.21, Lot 32-01  
Dighton, MA 02715

Attn: Kerrie J. Easterday, Office Manager

Dear Board Members:

On behalf of Kim and Kenneth Berube, the Owners and Applicants of the above referenced subdivision, we respectfully ask your consideration of the below listed waivers from the Town of Dighton Definitive Plan requirements for a proposed Definitive Residential Subdivision at 1624 Old Williams Street.

1. Waiver is requested for parcel 2 for the minmum required frontage (Section 4120). Parcel 2 has 105.60' of frontage, 250' is required.
2. Waiver is requested to not provide a stromwater management from (Section 3316).
3. Waiver is requested to not provide a development impact statement (Section 3340).
4. Waiver is requested for scale of plan; 1"= 40' is required, 1"= 50' is provided (Section 3320).
5. Waiver from the requirements of Section 3320 (l.,p.,q.,r.,y.,aa.,bb.,dd.) are requested.
6. Waiver from the requirements of Section 3330 (d.) are requested.

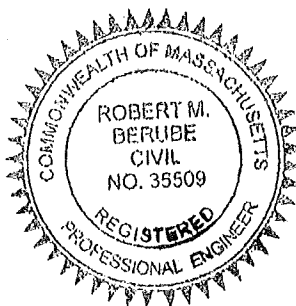
Should you have any questions or need additional information, please contact me.

Thank you for your consideration.

Robert M. Berube, P.E.

RMB/kb

cc: Kenneth & Kim Berube  
Owners/Applicant



# PRO-LINE ENGINEERING, INC.

190 GARDNERS NECK ROAD  
SWANSEA, MASSACHUSETTS 02777

508/672-3137  
FAX/672-3307

October 24, 2022

Planning Board  
Town of Dighton  
979 Somerset Avenue  
Dighton, MA 02715

Re: Definitive Subdivision  
1624 Old Williams Street  
A.P.21, Lot 32-01  
Dighton, MA 02715

Attn: Kerrie J. Easterday, Office Manager

Dear Board Members:

On behalf of Kim and Kenneth Berube, the Owners and Applicants of the above referenced subdivision, please accept this letter as a request to either waive or reduce the Filing and Project Review fees for the submittal of the above referenced Definitive Subdivision.

The proposed Definitive Subdivision consists of the division of the above reference property into two buildable lots in accordance with the recent Zoning Board of Appeals Case #01-22 as recorded in Book 28098, Pages 150-154 in the Bristol County Registry of Deeds (Northern District). The proposed division does not require the construction of any roadways, utilities, stormwater facilities, etc., and access to the two buildable lots will be through the existing frontage for both lots on Old Williams Street.

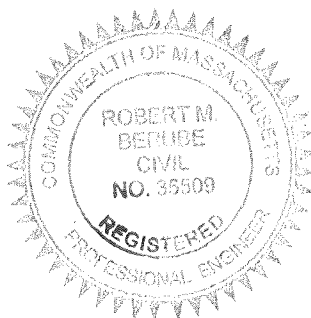
Should you have any questions or need additional information, please contact me.

Thank you for your consideration.

  
Robert M. Berube, P.E.

RMB/kb

cc: Kenneth & Kim Berube  
Owners/Applicant





**TOWN OF DIGHTON**  
**ZONING BOARD OF APPEALS**  
**979 SOMERSET AVENUE**  
**DIGHTON, MA 02715**  
**TEL: (508) 669-6431, EXT. 114**

Zachary Caron, Chairman  
Gregory Logan, Vice Chairman  
Jonathan Gale, Clerk  
Susan Gray Pritchard, Member  
David Phillips, Member  
Alys Vincent, Member

DATE: August 25, 2022

CASE NO. #01-22

The permit granting authority approved a Variance from Sections 2600 and 2620 (Appendix B) of the Town of Dighton's Zoning By-Laws, in order to permit a Variance to subdivide property into 2 lots, leaving existing single-family dwelling on one lot and create a second lot with reduced frontage that shall not be further subdivided with a deed restriction preventing further subdivision. The petitioners, Kim and Kenneth Berube who is the owner of property located at 1624 Old Williams Street, Dighton Massachusetts 02715, shown on Assessors Map 21, Lot #32-01 which is the property affected by this Variance.

The Hearing on this Variance was held on April 7, 2022. The permit granting authority approved the Variance based on the following findings and reasons:

Application Received:	March 29, 2022
Hearing:	April 7, 2022
Reopened Hearing:	June 22, 2022
Variance Approved:	June 22, 2022
Extension Signed:	August 25, 2022
Decision Signed:	August 24, 2022

An appeal from the decision of variance granting authority may be made by any person aggrieved pursuant to MGL chapter 40A, section 17, as amended, within twenty (20) days after the date of filing of a notice of decision in the office of the Town Clerk.

**DIGHTON ZONING BOARD OF APPEALS**  
**PERMIT GRANTING AUTHORITY**

Zachary Caron, Clerk

\*\*\* See Attached for Signatures\*\*\*

Gregory Logan, Vice Chairman

David Phillips, Member

Decision filed with Town Clerk on the day of 25<sup>th</sup> day of August, 2022.

Date: 8/25/22

mark  
Town Clerk

I hereby certify that twenty (20) days have elapsed since I was notified of this decision, and no appeal has been filed/~~an appeal was filed~~ but has been dismissed or denied.

Date: 9/15/2022

mark  
Town Clerk

RECEIVED  
2022 AUG 25 AM 9:09  
TOWN CLERK  
DIGHTON, MA  
Dighton  
Town Clerk's Office  
Notice of Posting  
Date: 9/15/22  
Time: 10:13 AM



**TOWN OF DIGHTON ZONING BOARD OF APPEALS**

**DIGHTON, MA 02715**

Findings and Decision

Application for Variance

Case 01-22

Section 2600 and 2620, Dighton Zoning By-Laws as Amended  
(Appendix B) Lot Frontage Requirement

BACKGROUND:

On March 29, 2022, the Board received a Petition from Kim and Kenneth Berube petitioners and owners of a parcel of land located at 1624 Old Williams Street Dighton, MA consisting of approximately 6.13 acres of land, and a total of 355.60 feet of frontage, located in a Residential/Agricultural District, and shown on the Dighton Assessor's records as Map 21, Lot 32-01 ("Subject Parcel"). The Petitioners are looking to subdivide the Subject Parcel into two (2) separate parcels, resulting in one parcel (Parcel 1) containing 250.00' of frontage and 43,755 square feet of land on which is to be located the existing single family dwelling and the other parcel (Parcel 2) containing 105.60' of frontage and 223,267 square feet of land containing a proposed single-family dwelling to be located within all required zoning setbacks. The Petitioners are seeking a variance from the lot frontage requirement of the Town of Dighton Zoning By-Law, Sections 2600 and 2620 (Appendix B) as Parcel 2 will have less than the required 250' of frontage for a single family dwelling.

The Board received the appropriate petition and supporting documentation from the Petitioners. The Board also received the applicable filing fee. The Board caused notice of the public hearing to be published in the *Taunton Daily Gazette*, and mailed notice to the certified list of abutters, and other Town Boards, and abutting Town Boards, as necessary. The notice, as published, set forth the date of hearing for Wednesday, April 7, 2022 at 7:00 p.m. held remotely on Zoom.

The public hearing was opened as scheduled and the voting members in attendance were Mr. Zachary Caron, Chairman, Mr. Gregory Logan, Vice Chairman, and Mr. David Phillips, Member. The Notice from the Taunton Daily Gazette was read into the record. Mr. Robert Berube from Pro-Line Engineering of 190 Gardner's Neck Road in Swansea presented the Petitioners' case to the Board. Although no abutters were present, the Board received an email from one abutter opposed to the petition due to concerns about the possibility of the abutting land building a house with insufficient frontage and building too close to their property. No members of any Town Board, Committee or Department were present. However, subsequent to the public hearing the Board received an email from the Dighton Water District advising that contrary to what was presented by the Petitioners during the public hearing, the Subject Property does not have public water available to it (and, as a result, contrary to the Petitioners' contention the Dighton Water District's moratorium did not apply to the Subject Parcel)<sup>1</sup>.

---

<sup>1</sup>As a result of this email, at the next regularly scheduled meeting of the ZBA, the Board voted to reconsider its approval that had been issued at the April 7, 2022 meeting due to this being based on incorrect information. Thereafter at the request of the Petitioners the Board voted to continue the Public Hearing until June 22, 2022.

On June 22, 2022, the Board reopened the public hearing, which was now held in-person at the Prime Time Building at 1059 Somerset Avenue, and Thomas P. Killoran, Esquire of Killoran and Killoran presented the Petitioners' case to the Board. No abutters appeared, no other further input was provided by any Town Boards, Commissions or Departments, and none were present to be heard on the matter. At the conclusion of the public hearing testimony on this night, the Board, after further discussion and deliberation voted unanimously to close the public hearing and thereafter voted unanimously to approve the requested variance with conditions, as set forth in this decision. The Petitioners provided the Board with a written extension of the timelimits of the case to write this decision, through August 25, 2022, which is on file with the Board.

#### DECISION AS TO CASE 01-22 – REQUEST FOR VARIANCE

The Petitioners advised the Board that they previously had a seven-lot subdivision approval for the Subject Property which had expired without any development in October 2021. The Petitioners are unable to reapply for this subdivision at this time as the subdivision relied upon an extension of the public water line, which is now not possible due to the Dighton Water District moratorium. There is no town water or sewer on the property. As such, under the current by-law 250' of frontage is required for any single family lot.

The Petitioners are looking to subdivide the existing property into two lots- one to conform with all Zoning Requirements as it contains 250' of frontage and the existing single family dwelling, and the other to have 105.60' of frontage on which a new single family house will be constructed in compliance with all the zoning setback requirements. Although there is sufficient area to accommodate many more lots than two, the Petitioners believe that two lots is consistent with the characteristics of the neighborhood and agree to prohibit any further subdivision of the property if this variance is to be granted. Thus, the Petitioners are looking to maintain the existing house and to build only one more single family house on the new lot.

In support of their petition, the Petitioners submitted a plan entitled "Zoning Variance Request Plan A.P. 21 Lot 32-01 1624 Old Williams Street, Dighton, Massachusetts", prepared for Old Williams, LLC, 3177 Sharps Lot Road, Dighton, Massachusetts dated March 23, 2022 Scale 1"= 50', prepared by Pro-Line Engineering, Inc of 190 Gardner's Neck Road, Swansea, MA ("Plan").

The Board reviewed the statutory prerequisites for granting the variance. The statutory prerequisites for granting of a variance are as set forth in M.G.L. c. 40A §10. The Zoning Board is aware of these prerequisites which require the following findings:

"... that owing to the circumstances relating to the soil condition, shape, or topography of the land, especially affecting such land, but not affecting other land in the zoning district in which the land is located, a literal enforcement of the [By-Law] would involve a substantial hardship, financial or otherwise, to the petitioner, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the [By-Law]...."

The Board, makes the following findings in favor of granting this petition:

1. There are unique circumstances specifically addressing this parcel as to soil conditions, topography or shape of the parcel that do not also affect other parcels in the underlying district, which warrant the granting of a variance, especially with regards to the large shape of the Subject Parcel.
2. There would be a substantial hardship to the Petitioners if the variance is denied as the Petitioners are unable to continue to use a substantially large piece of land other than for the existing single family dwelling, unless they were to undertake significant expense and develop a multi-lot subdivision on the property.
3. The variance can be granted without nullifying or substantially derogating from the intent and purpose of the Zoning By-law as the resulting subdivision would create only two lots that meet all of the zoning dimensional requirements except for frontage on only one of the lots. Moreover, the remaining insufficient frontage is adequate to service the proposed single family dwelling.
4. The variance can be granted without substantial detriment to the public good, as the proposed subdivision will establish only one additional single family dwelling on a total of over 6 acres of land, and, through the conditions attached to this approval, will prohibit further development of this land, which is consistent with the neighborhood, meets the concerns of the abutters, and is not a detriment to the area.


Having taken all of the information into consideration and having made the above findings of fact, the Board hereby grants the requested variance with the conditions set forth below to allow for the subdivision of the property such that one lot is to contain the existing single family dwelling and to conform to all zoning requirements as it will have 250' of frontage and 43,755 square feet of land, and the other lot (Parcel 2), is to contain vacant land and to have 105.60' of frontage, and approximately 223,267 square feet of land as shown on the Plan. Wherefore, the Board has voted unanimously to grant the frontage variance with the following conditions:

1. No more than one (1) single family dwelling shall be located on Parcel 1 & Parcel 2.
2. Parcel 2 shall not be further subdivided, and it is a condition of this variance that there is a prohibition against further subdivision. A deed restriction preventing further subdivision (enforceable by the Town of Dighton) shall also be recorded with the plan. No building permit shall issue without proof that the restriction has been recorded.
3. The following notes shall be placed on the final Plan: "Parcel 2 shall not be further subdivided." and "No building permit shall be issued for Parcel 2 until a copy of the recorded deed restriction and variance is delivered to the Zoning Board of Appeals."
4. At the time of filing the Form A plan submitted to the Planning Board for


endorsement after grant of the variance, the applicant shall also provide a covenant, in the form acceptable to the Planning Board and the Zoning Board of Appeals, prohibiting further division of Parcel 2 in perpetuity.

5. Parcel 2 shall comply with the Dighton Zoning By-Law and Subdivision Rules and Regulations except as allowed by this variance.

Date: 8/24/2022

  
Zachary Caron, Chairman

Date: 8-23-2022

  
Gregory Logan, Vice Chairman

Date: 8-24-2022

  
David Phillips, Member

This decision will be filed with the Town Clerk and anyone aggrieved by the findings or decision may appeal to the Superior Court within twenty (20) days of the filing of this decision by providing notice to the Town Clerk pursuant to M.G.L. c. 40A §17.

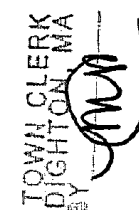
TOWN CLERK  
DIGHTON MA  

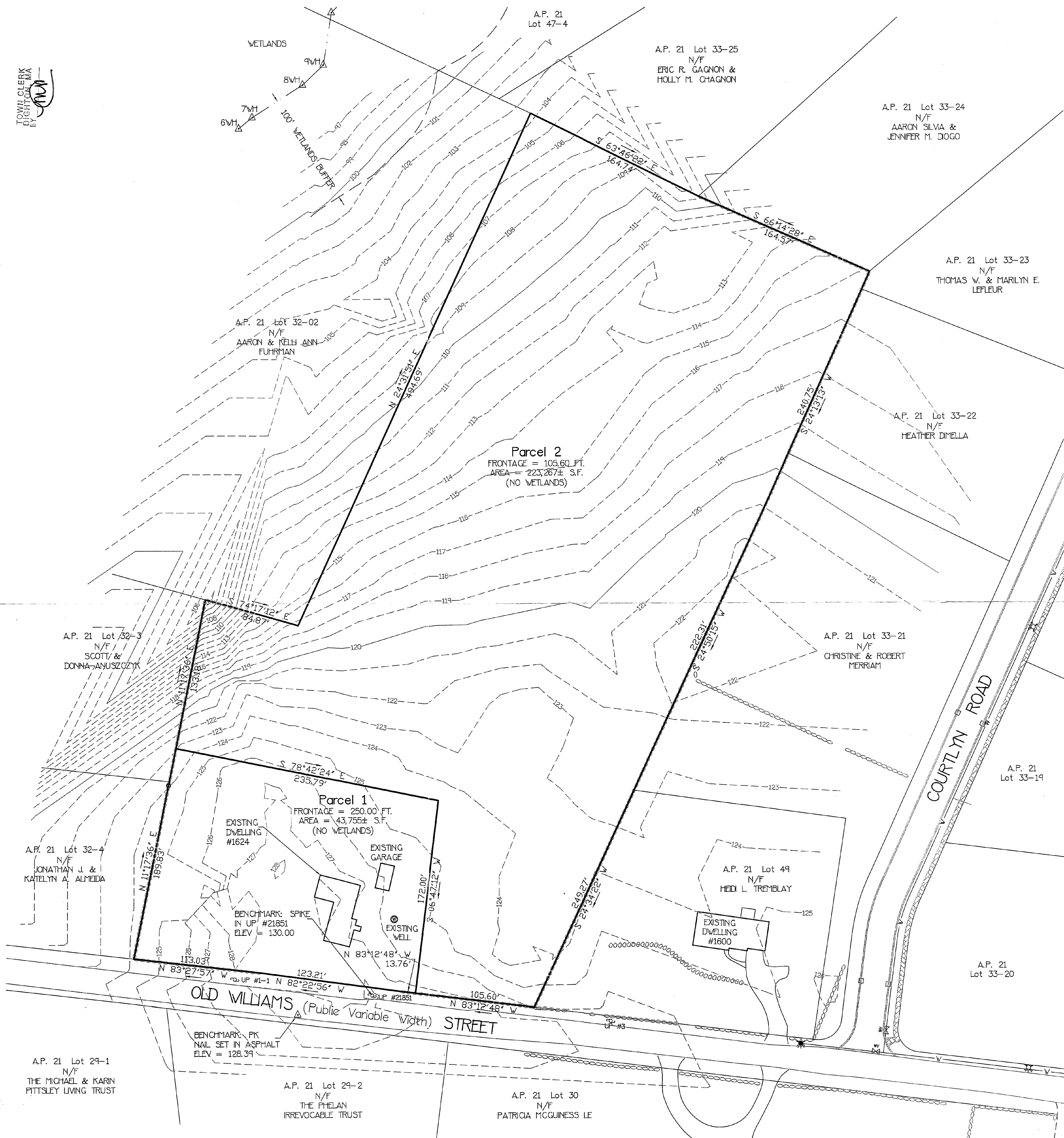

2022 AUG 25 AM 9:09

RECEIVED

RECEIVED

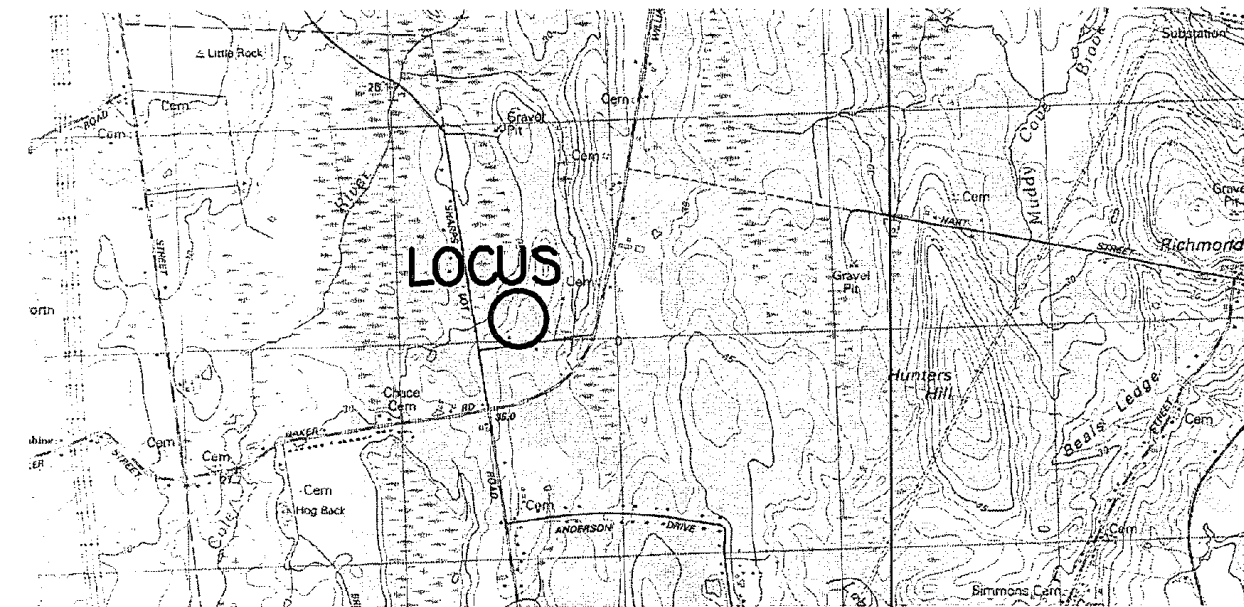
7072 MAR 29 PM 3:31

TOWN CLERK  
DIGHTON, MA  
BY 



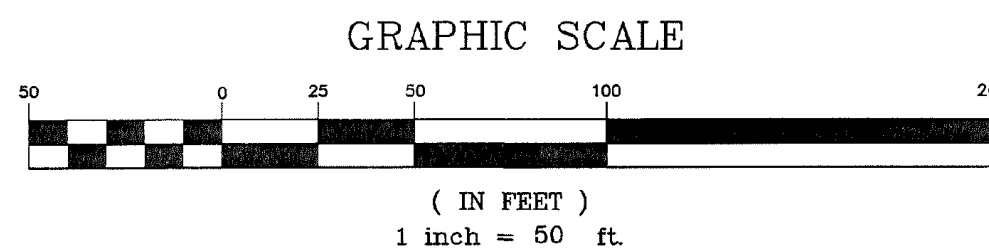
- Legend
- STONE WALL
  - UTILITY POLE
  - EXISTING CONTOURS

## Location (not to scale) Map



## Notes:

- PARCELS SHOWN ARE IDENTIFIED AS LOT 32-01 ON DIGHTON ASSESSORS MAP 21.
- PARCELS SHOWN ARE LOCATED IN DIGHTON ZONING DISTRICTS "MIXED USE OVERLAY" AND "RESIDENCE AND AGRICULTURE".
- PARCELS SHOWN ARE NOT LOCATED IN THE DIGHTON WETLAND OR SURFACE WATER PROTECTION AREAS.
- THIS PLAN AND ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HERE ON. THE OWNER OF LOCUS AND ABUTTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSORS RECORDS.
- OWNER OF RECORD: KENNETH J. & KIM BERUBE  
3177 SHARPS LOT ROAD  
DIGHTON, MASSACHUSETTS 02715
- DEED REFERENCE: BOOK 15143, PAGE 256 (2005)  
BRISTOL COUNTY REGISTRY OF DEEDS  
(NORTHERN DISTRICT)
- PLAN REFERENCE: PLAN BOOK 532, PAGE 45 (2021)  
BRISTOL COUNTY REGISTRY OF DEEDS  
(NORTHERN DISTRICT)
- THIS PLAN IS THE RESULT OF A FIELD SURVEY AND THE USE OF PLANS AND DEEDS OF RECORD.



## Zoning Variance Request:

TO DIVIDE EXISTING LOT 32-01 INTO TWO BUILDABLE LOTS. PROPOSED PARCEL 1 WILL CONTAIN 43,755± S.F. OF AREA AND 250.00' OF FRONTAGE ON OLD WILLIAMS STREET FOR THE EXISTING DWELLING. PROPOSED PARCEL 2 WILL CONTAIN 223,267± S.F. OF AREA AND 105.60' OF FRONTAGE ON OLD WILLIAMS STREET FOR A PROPOSED DWELLING. THE PROPOSED SETBACKS OF EXISTING DWELLING AND THE PROPOSED DWELLING WILL CONFORM TO THE ZONING REQUIREMENTS.

## Zoning Requirements

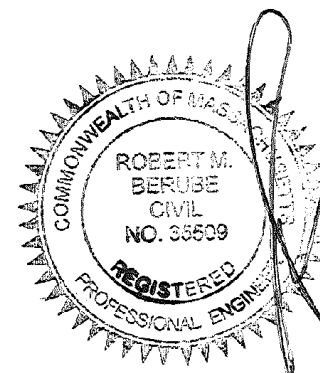
ZONING DISTRICT:	MIXED USE OVERLAY / RESIDENCE & AGRICULTURAL
AREA	= 43,560 S.F.
FRONTAGE	= 250'
FRONT YARD	= 55'
SIDE YARD	= 15'
REAR YARD	= 15'

## Zoning Variance Request Plan

A.P. 21 Lot 32-01  
1624 Old Williams Street, Dighton, Massachusetts  
PREPARED FOR  
**Old Williams LLC**  
3177 Sharps Lot Road, Dighton, Massachusetts 02715

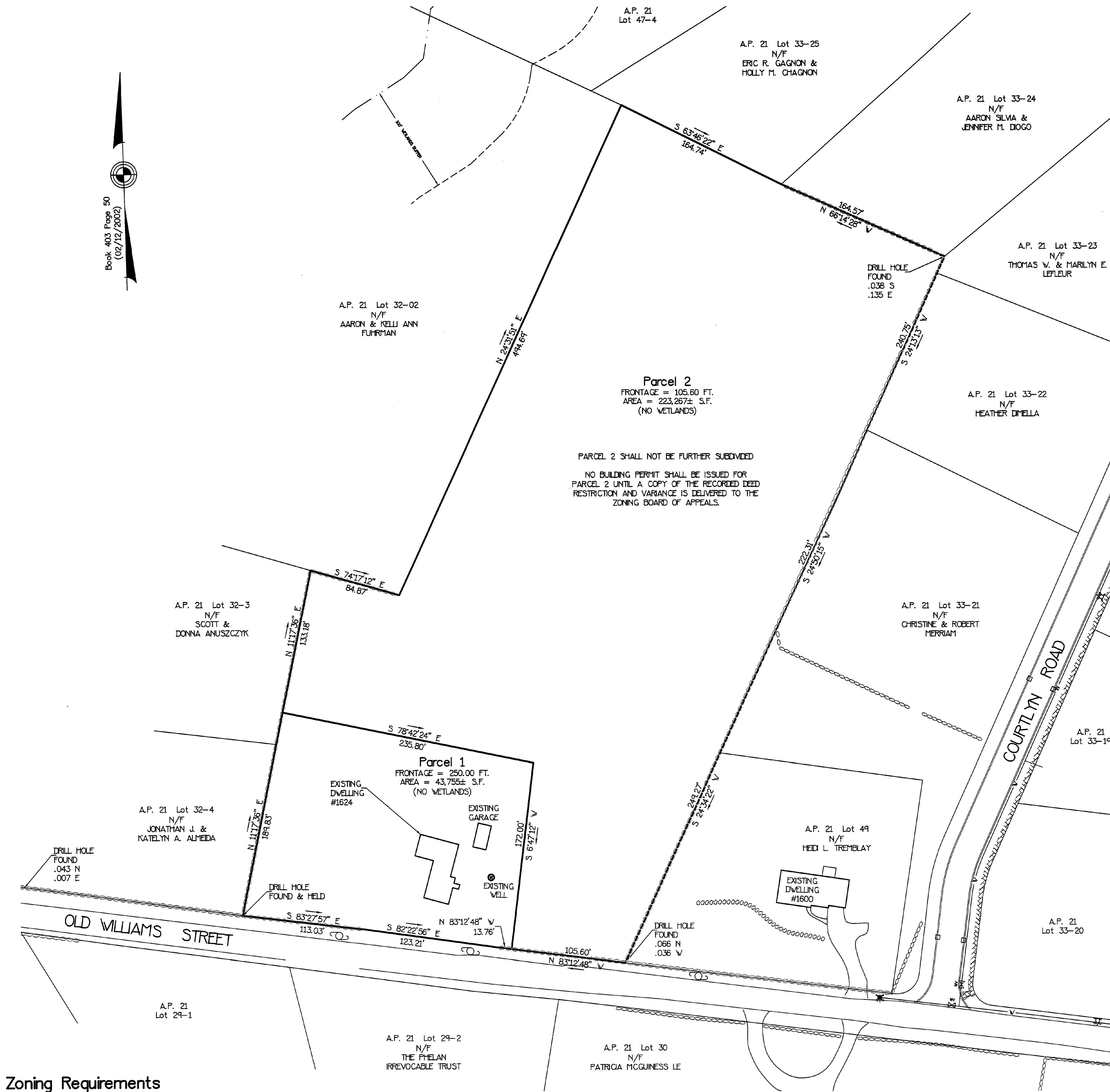
PREPARED BY  
**Pro-Line Engineering, Inc.**  
Civil/Environmental Engineering & Land Surveying  
190 GARDENERS NECK ROAD, SWANSEA, MA 02777  
PHONE: 508/672-3137 FAX: 508/672-3307  
EMAIL: PROLINEENG@COMCAST.NET

Date: March 23, 2022 Scale: 1" = 50'



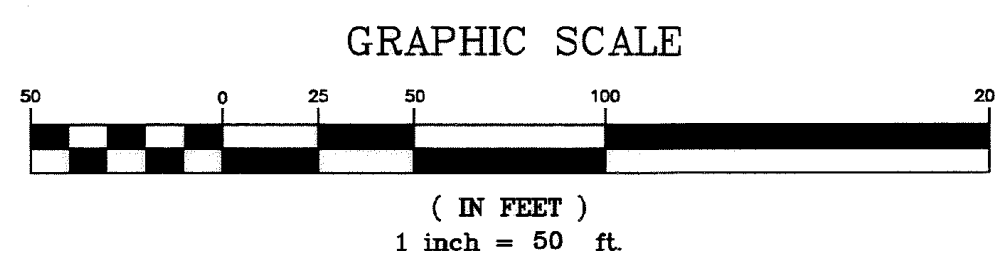
05-170zwp





### Zoning Requirements

ZONING DISTRICT:	RESIDENCE & AGRICULTURE
AREA	= 43,560 S.F. (NO WATER, NO SEWER)
FRONTAGE	= 250'
FRONT YARD	= 55'
SIDE YARD	= 15'
REAR YARD	= 15'



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

PREPARED BY Robert M. Berube, P.E. DATE 10/24/22

I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

REGISTERED PROFESSIONAL SURVEYOR David J. Kulkarni DATE 10/24/22

### Variance Decision:

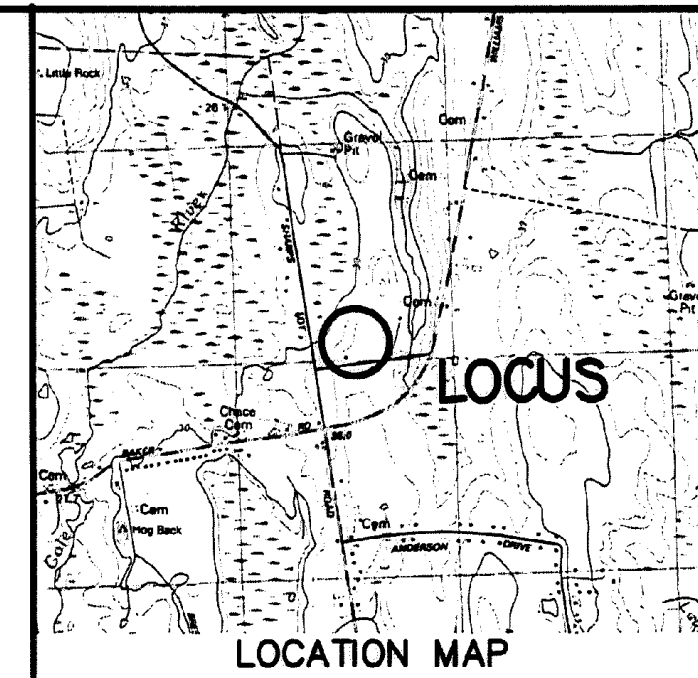
A VARIANCE FROM SECTIONS 2600 & 2620 (APPENDIX B) TABLE OF DIMENSIONAL REGULATIONS - LOT FRONTAGE, WAS APPROVED BY THE DIGHTON ZONING BOARD OF APPEALS ON JUNE 22, 2022. THE FINDINGS & DECISION WAS SIGNED ON AUGUST 24, 2022. CASE #01-22 IS RECORDED IN BOOK 28098, PAGES 150-154 IN THE BRISTOL COUNTY REGISTRY OF DEEDS (NORTHERN DISTRICT).

VARIANCE CASE #01-22 WAS APPROVED WITH THE FOLLOWING CONDITIONS:

- NO MORE THAN ONE (1) SINGLE FAMILY DWELLING SHALL BE LOCATED ON PARCEL 1 & PARCEL 2.
- PARCEL 2 SHALL NOT BE FURTHER SUBDIVIDED, AND IT IS A CONDITION OF THIS VARIANCE THAT THERE IS A PROHIBITION AGAINST FURTHER SUBDIVISION. A DEED RESTRICTION PREVENTING FURTHER SUBDIVISION (ENFORCEABLE BY THE TOWN OF DIGHTON) SHALL ALSO BE RECORDED WITH THE PLAN. NO BUILDING PERMIT SHALL BE ISSUED WITHOUT PROOF THAT THE RESTRICTION HAS BEEN RECORDED.
- THE FOLLOWING NOTES SHALL BE PLACED ON THE FINAL PLAN: "PARCEL 2 SHALL NOT BE FURTHER SUBDIVIDED" AND "NO BUILDING PERMIT SHALL BE ISSUED FOR PARCEL 2 UNTIL A COPY OF THE RECORDED DEED RESTRICTION AND VARIANCE IS DELIVERED TO THE ZONING BOARD OF APPEALS".
- AT THE TIME OF FILING THE FORM A PLAN TO THE PLANNING BOARD FOR ENDORSEMENT AFTER GRANT OF THE VARIANCE, THE APPLICANT SHALL ALSO PROVIDE A COVENANT, IN THE FORM ACCEPTABLE TO THE PLANNING BOARD AND THE ZONING BOARD OF APPEALS, PROHIBITING FURTHER DIVISION OF PARCEL 2 IN PERPETUITY.
- PARCEL 2 SHALL COMPLY WITH DIGHTON ZONING BY-LAWS AND SUBDIVISION RULES AND REGULATIONS EXCEPT AS ALLOWED BY THIS VARIANCE.

### Waiver Requests:

- A WAIVER IS REQUESTED FOR PARCEL 2 FOR THE MINIMUM REQUIRED FRONTAGE (SECTION 4120). PARCEL 2 HAS 105.60' OF FRONTAGE, 250' IS REQUIRED.
- A WAIVER IS REQUESTED TO NOT PROVIDE A STORMWATER MANAGEMENT FORM (SECTION 3316).
- A WAIVER IS REQUESTED TO NOT PROVIDE A DEVELOPMENT IMPACT STATEMENT (SECTION 3340).
- A WAIVER IS REQUESTED FOR SCALE OF PLAN; 1"=40' IS REQUIRED, 1"=50' IS PROVIDED (SECTION 3320).
- WAIVERS FROM THE REQUIREMENTS OF SECTION 3320 (l,p,q,r,y,aa,bb,dd) ARE REQUESTED.
- WAIVERS FROM THE REQUIREMENTS OF SECTION 3330 (d) ARE REQUESTED.



REGISTRY USE ONLY

### General Notes:

- PARCELS SHOWN ARE LOCATED IN ZONING DISTRICT "RESIDENCE & AGRICULTURE".
- OWNER OF RECORD: KENNETH J. & KIM BERUBE  
3177 SHARPS LOT ROAD  
DIGHTON, MASSACHUSETTS 02715
- DEED REFERENCE: BOOK 15143, PAGE 256 (8/3/2005)  
BRISTOL COUNTY REGISTRY OF DEEDS  
(NORTHERN DISTRICT)
- PLAN REFERENCE: PLAN BOOK 532, PAGE 45 (10/14/2021)  
BRISTOL COUNTY REGISTRY OF DEEDS  
(NORTHERN DISTRICT)
- THERE ARE NEITHER WETLANDS WITHIN 100 FEET, NOR PERENNIAL STREAMS WITHIN 200 FEET OF THIS PROPOSED SUBDIVISION.
- PARCELS 1 & 2 SHALL BE SERVICED BY ON-SITE SEPTIC SYSTEMS AND PRIVATE WELLS.
- PARCELS 1 & 2 ARE LOCATED IN FEMA FLOOD ZONE X IN ACCORDANCE WITH FIRM PANEL 25005C0241F.

SUBJECT TO A DEED RESTRICTION DULY EXECUTED DATED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, RUNNING WITH THE LAND, TO BE DULY RECORDED BY OR FOR THE OWNER OF RECORD.

THIS PLAN IS SUBJECT TO ALL CONDITIONS OF THE DIGHTON PLANNING BOARD FINDINGS & DECISION DATED \_\_\_\_\_ FILED WITH THE DIGHTON TOWN CLERK ON \_\_\_\_\_ AND HEREWITH RECORDED AS A PART OF THIS PLAN.

I HEREBY CERTIFY THAT THERE HAS BEEN NO APPEAL TAKEN TO THIS PLANNING BOARD ACTION DURING THE 20 STATUTORY APPEAL PERIOD.

TOWN CLERK TOWN OF DIGHTON DATE \_\_\_\_\_

### Dighton Planning Board

Approved Under Subdivision Control Law

CHAIRMAN	PRELIM. PLAN FILED
CLERK	DEF. PLAN FILED
	PUBLIC HEARING
	DEF. PLAN APPROVED
	DEF. PLAN ENDORSED

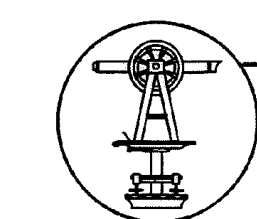
### Definitive Subdivision

A.P. 21 Lot 32-01  
1624 Old Williams Street, Dighton, Massachusetts

PREPARED FOR

**Kenneth J. & Kim Berube**  
3177 Sharps Lot Road, Dighton, Massachusetts 02715

PREPARED BY



**Pro-Line Engineering, Inc.**

Civil/Environmental Engineering & Land Surveying  
190 GARDNER'S NECK ROAD, SWANSEA, MA 02777  
PHONE: 508/672-3137 FAX: 508/672-3307  
EMAIL: PROLINEENG@COMCAST.NET

Date: October 19, 2022 Scale: 1" = 50'