



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

TOWN OF DIGHTON
NOTICE OF PUBLIC HEARING

Notice is hereby given the Dighton Zoning Board of Appeals will conduct a Public Hearing at **Old Town Hall, 1111 Somerset Avenue, Dighton, MA** on **Tuesday, February 25, 2025 at 7:00 PM** on the Variance Application of MAKO ENTERPRISES, LLC and ELEVATOR PROPERTIES, LLC for property located at 233R SUMMER STREET, being shown as Assessors Map 4, Lot 201, pursuant to SECTION 2620 TABLE OF DIMENSIONAL REQUIREMENTS (APPENDIX B) of the Town of Dighton's Zoning By-Law in order to IMPROVE THE CURRENT STRUCTURE INTO A SINGLE FAMILY DEWLLING WITH INSUFFICIENT FRONTAGE.

Any person(s) interested or wishing to be heard on this matter should attend this hearing. Copies of the application are available in the Zoning Board of Appeals office, the Dighton Zoning Board of Appeals website, or, upon request, can be viewed by email by calling (508) 669-6431, ext. 114 or emailing keasterday@dighton-ma.gov.

DIGHTON ZONING BOARD OF APPEALS
Zachary Caron, Chairman

RECEIVED

Town Clerk-Dighton, MA

JAN 21 2025

Time: 2:12 PM
By: SC

01-25

RECEIVED

RECEIVED



JAN 21 2025

TOWN of DIGHTON

JAN 21 2024

By: Dighton Planning Board

2:11 PM ZONING BOARD of APPEALS

1111 Somerset Avenue, Dighton, MA. 02715

(508) 669-6431, Ext 114

To the Zoning Board of Appeals of the Town of Dighton: Application Fee \$750.00/each

The undersigned hereby petitions for a public hearing on the action checked below:

Variance from section(s)/parts Section 2620 Lot Frontage in
the Residential District
of the Town of Dighton's Zoning Bylaws (Be specific)

Special Permit from section (s)
of the Town of Dighton's Zoning Bylaws (Be specific)

Appeal decision of Building Commissioner to (grant/ deny) permit. (Attach decision)

Nature of the Request is to allow:

See attached memorandum

The Property is Located at (Address) 233 R Summer St Dighton / North
Dighton MA. and is known as Map# 4 Lot# 20

The Petitioner will attach hereto the following:

- 1. Reasons for the Petition
- 2. Legal description of the premise (including most recent deed of property)
- 3. Site Plans: the subject property must be drawn to scale, accurate and shall include (but not limited to) following information; all property lines with distances, all buildings located on the site, with distances to the property lines, any wetlands all parking and impervious surfaces, all proposed changes, lot area, frontage and abutters. Detailed and accurate plans (2 Full Size and 7 11x17), which includes measurements, heights, landmarks, etc, should be provided. If request involves a lack of frontage, the plans will require a review before the Planning Board and Conservation Committee as well.
- 4. A Check for \$750 for each Variance, Special Permit and/or Appeal. The application fee(s) check should be made out to the 'Town of Dighton'.
- 5. Tax Status Application Form which should be cleared and stamped by the Treasurers Department

- 6. Extension of Time Form
- 7. In the event of an appeal of the Building Commissioner's Decision, decision must be attached.
- 8. In the event that any other approvals have been issued on the property, such decision(s) shall be included as part of the application.
- 9. The Petitioners interest is set out as follows:
 - A. The owner of said land acquired legal title to the property on 11/27/23 and is recorded in book 28662 . Page 88 of Bristol County Registry of Deeds.
 - B. State whether you are the owner, or whether you have a lease, purchase and sale agreement etc. (giving dates and other pertinent information)
Petitioners are the owners

If represented by counsel, please enter name, address and phone number:

Frederick C Casavant, 2 Hms Lessing Dr, Hingham MA 02043
(781) 640-8188

Petitioner Signature: 

Type/ print name clearly: Antonio J Luis of MAKU Enterprises LLC

Telephone: 401 651 2505

Address: 237 front st

City: Lincoln

State: RI

Zip Code: 02805

If Petitioner is not the owner, Owner shall affix assent here:

Owner Signature: _____

Type/ print name clearly: _____

Telephone: _____

Address: _____

City: _____

State: _____

Zip Code: _____

Reviewed by Signature: (Chairman) _____

Reviewed by Signature: (Office Manager) _____

- 6. Extension of Time Form
- 7. In the event of an appeal of the Building Commissioner's Decision, decision must be attached.
- 8. In the event that any other approvals have been issued on the property, such decision(s) shall be included as part of the application.
- 9. The Petitioners interest is set out as follows:
 - A. The owner of said land acquired legal title to the property on _____ and is recorded in book _____ . Page _____ of Bristol County Registry of Deeds.
 - B. State whether you are the owner, or whether you have a lease, purchase and sale agreement etc. (giving dates and other pertinent information)

If represented by counsel, please enter name, address and phone number:

Petitioner Signature: 

Type/ print name clearly: Kyle Seyboth of Elevator Properties Inc.

Telephone: 508 726 3492

Address: 969 Waterman Ave City: E. Providence

State: RI Zip Code: 02914

If Petitioner is not the owner, Owner shall affix assent here:

Owner Signature: _____

Type/ print name clearly: _____

Telephone: _____

Address: _____ City: _____

State: _____ Zip Code: _____

Reviewed by Signature: (Chairman) _____

Reviewed by Signature: (Office Manager) _____

November 18, 2024

Mr. Zachary Caron, Chairman
Town of Dighton Zoning Board of Appeals
979 Somerset Avenue
Lower Level
Dighton, MA 02715

Re: 223R Summer Street, Dighton, MA

Dear Chairman Caron and members of the Zoning Board of Appeals:

This letter serves to outline the variance that my client, MAKO Enterprises, LLC and Elevator Properties, LLC (hereinafter collectively the "Applicants"), are seeking from the Town of Dighton Zoning Board of Appeals (the "Board") from the dimensional requirements of the Town of Dighton Zoning Bylaws (the "Zoning Bylaws") regarding the proposed renovation of a residence and two garages (the "Project"), located at 223R Summer Street, Dighton, MA (the "Site"). Applicants are the owners of the Site pursuant to a deed recorded with the Bristol County North Registry of Deeds in Book 28662, Page 88 (copy filed herewith). Specifically, the Project requires variance from the Board as follows:

- 1) The Site contains an existing single-family home and two detached garages on a lot which has 53.52¹ linear feet of lot frontage, and it therefore requires a variance from § 2620, Appendix B, of the Zoning Bylaws, which requires 175 feet of minimum lot frontage in the Residential District, where the Site is located; and

A. General Site Characteristics

According to the "Variance Plan" for the Site, dated August 2, 2024, prepared by D. O'Brien Land Surveying (the "Variance Plan"), which is on file with the Board, the Site is comprised of an existing lot measuring 35,897 square feet and is currently improved by a house and two garage buildings. The lot is generally oval in shape, and is longer than it is wide, providing limited frontage, 23.64' at the Bedford Street entrance and 29.88 feet as the Prospect Street entrance. The Site has way/driveway on its borders leading to Prospect Street and Bedford Street. See copies of plan of land recorded with said Registry in Plan Book 48, Page 52 and the Dighton

¹ 23.64 feet on Bedford Street and 29.88 feet on Prospect Street

Main Office:

2 HMS Essington Drive, Hingham Shipyard, Hingham, MA 02043

assessor map both attached hereto as **Exhibit A**. The Site immediately abuts other residential buildings situated on parcels to its north, east and south. According to the “Town of Dighton Zoning Map” (the “Zoning Map”), the Site is located in the Residential District.

The existing single-family home and garages on the Site are otherwise in compliance with the dimensional regulations of the Zoning Bylaws. It is believed that the existing buildings predate the enactment of the Zoning Bylaws by the Town and, therefore, is construed as a preexisting nonconforming structure under the Zoning Bylaws.

Accordingly, the Project requires from the Board a variance from the minimum frontage requirement of 175 feet.

1. Elements To Be Considered When Issuing A Variance.

Section 10 of G. L. c. 40A authorizes the Board to grant a variance from the terms of the Zoning Bylaws if it finds that:

[O]wing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the [Bylaws] . . . would involve substantial hardship, financial or otherwise, to the petitioner or applicant, 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 such . . . [Bylaws].

As discussed in detail below, the requested variances are necessary due to the restrictive shape of the lot. However, the facts demonstrate that granting of the variance would not be detrimental to the public good, and would effectuate the purpose and intent of the Zoning Bylaws, that is “to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the town...”

2. The Proposed Project Complies with the Use Requirements of the Zoning Bylaws.

According to the Table of Use Regulations Appendix A of the Zoning Bylaws, single family home is an allowed use as of right within the Residential District, where the Site is located. Therefore, the use of the Site as a residential single-family home comports with the Zoning Bylaws and does not require relief from the Board.

3. The Proposed Project Requires Variances From The Dimensional Requirements Of The Zoning Bylaws.

The Project requires relief from the dimensional requirements of the Zoning Bylaws in the form of one variance set forth below.

a. Nonconforming Lot Frontage

Section 2620, Appendix B of the Zoning Bylaws, requires 175 feet of minimum lot frontage in the Residential District, where the Site is located. Due to the elongated, oval shape of the lot, its total frontage is limited to only a total of 53.52 feet. Therefore, a variance is required.

As noted above, due to the shape of the lot being unusually shaped, it is an impossibility for the site to comply with the frontage requirement of 175 feet. A variance would enable the single-family home and garages to be renovated and used by residents of Dighton, and renovations would be a much needed visual improvement to the Site. Therefore, the facts here demonstrate that the granting of a variance from the minimum frontage requirement would benefit the public and would further the purpose and intent of the Zoning Bylaws.

On behalf of my clients, thank you for your time and kind consideration of this correspondence relating to the variance requested from the Board. Should you have any questions regarding my client's application or this memorandum, please do not hesitate to contact me directly.

Sincerely,

/s/ Frederick C. Casavant IV

Enclosure

EXHIBIT A

BRIAN & McNAMARA
ENGINEERS
1214 N. 20th Street

REG. NO. 107 REG'D.
BRISTOL, 2001.

1950 OCT 2 AM 11:27

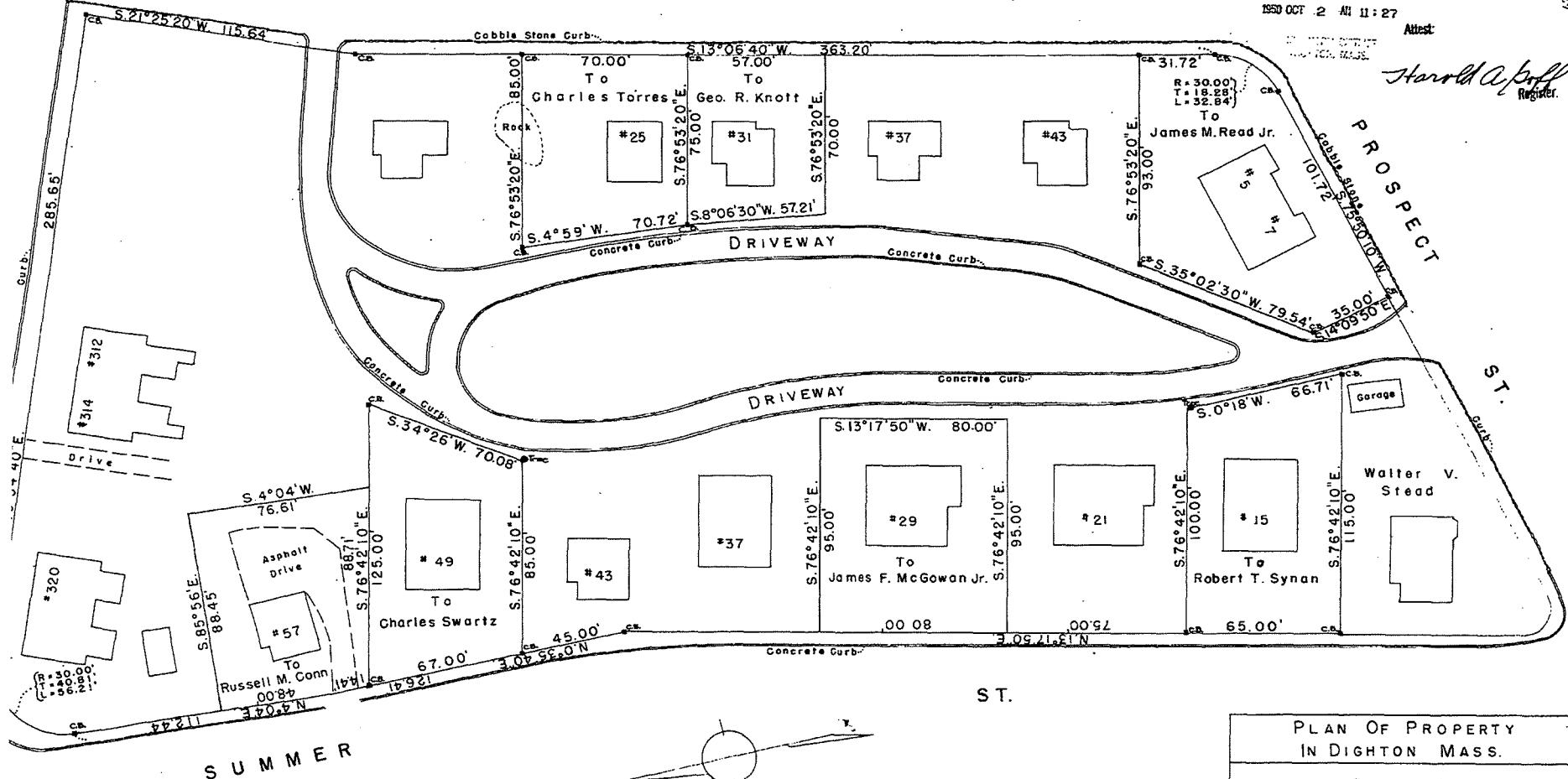
Attest:

Harold A. Hoff
Register.

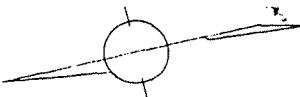
17

B E D F O R D

S T.



S U M M E R



PLAN OF PROPERTY
IN DIGHTON MASS.

OWNED BY
MT. HOPE FIN. CO.

Scale: 1" = 30' Date: Nov. 1848

SEARCHED: 1 - 50 DATE: NOV. 1949

Brennan & McNamara Engineers
Taunton Mass.

Legal Description of Premise

A certain parcel of land in Dighton, Bristol County, Massachusetts situated within an area bounded by Prospect, Summer, Spring and Bedford Streets and more particularly described as follows:

Parcel I: Beginning at a point on the North side of Prospect Street at a point where the northerly curb line of Prospect Street joins the easterly (curb line of a driveway belonging to one Lee; thence following the said easterly and southerly line of the easterly most part of said driveway and running generally first north and then east to the west side of Bedford Street; thence turning and running north fifteen feet (15), more or less to the corner of Bedford Street and the north line of said Driveway; thence turning and running generality first westerly and then southerly by the north and west curb lines of the western most part of said driveway to the said north side of Prospect Street; thence turning and running easterly 15 feet, more or less, to the point of beginning. Meaning and intending to convey all of the driveway and to "Park Lots" so-called within the said eastern most and western most portions of the driveway which surround the said "Park Lots".

Parcel II: All that strip of land lying between the easterly and southerly concrete curb of the eastern most portion of the driveway running first northerly and then easterly from Prospect Street to Bedford Street and the western and northern boundaries of those parcels of land located between the said eastern-most driveway and Bedford Street and Prospect Street.

Parcel III: All that strip of land located between the western and northern curb line of the western most driveway running first northerly and then easterly between Prospect and Bedford Streets and the eastern most and southern boundaries of those parcels of land located between the said western most portion of the driveway and Summer and Spring Streets.

PROPERTY ADDRESS: 233R Summer Street, North Dighton, MA 02764
AP4, Lot201

*** Electronic Recording ***
Doc# 00034455
Bk: 28662 Pg: 88 Page: 1 of 3
Recorded: 11/27/2023 12:00 PM
ATTEST: Barry J. Amaral, Register
Bristol County North Registry of Deeds

MASSACHUSETTS EXCISE TAX
Bristol County ND ROD 001
Date: 11/27/2023 12:00 PM
Ctrl# 097488 08935
Fee: \$410.40 Cons: \$90,000.00

Quitclaim Deed

Raymond J. Charron, being unmarried, of 206 Taunton Avenue, Norton, MA 02766,

for consideration paid in the amount of ***NINETY THOUSAND AND 00/100 DOLLARS (\$90,000.00)***, does hereby

Grant to ***MAKO Enterprises, LLC*** of 237 Front St, Lincoln, Rhode Island 02865, and ***Elevator Properties, Inc.*** of 969 Waterman Avenue, East Providence, Rhode Island 02914, as Tenants in Common

with Quitclaim Covenants:

See legal description marked "Exhibit A"
attached hereto and made a part hereof

Meaning and intending to convey the same premises conveyed to Grantor by deed recorded in the Bristol County Registry of Deeds recorded in Book 14890, Page 245.

Under the pains and penalties of perjury I confirm that the subject property is not now, nor has it ever been either a place of residence or a principal place of residence for myself or my spouse, and there are no other persons entitled to any homestead rights in the property.

Property Address: 233R Summer Street, North Dighton, MA 02764

Return to:

Law Office of Michael C. Lima
692 Warren Avenue
East Providence, RI 02914

Witness my hand and seal this 21st day of November, 2023.



Grantor - Raymond J. Charron

**STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE**

On this 21st day of November, 2023, before me, the undersigned notary public, personally appeared **Raymond J. Charron**, proved to me through satisfactory evidence of identification which was ~~RECORDED~~ ~~RECORDED~~ to be the person whose signature is affixed hereto, and acknowledged to me that he signed it voluntarily for its stated purpose and who swore or affirmed to me that the contents of the documents are truthful and accurate to the best of his knowledge and belief.

Notary Public: _____
My Commission Expires: _____

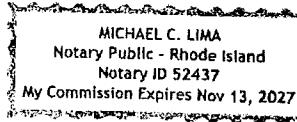


Exhibit A

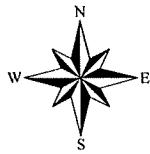
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PROPERTY ADDRESS: 233R Summer Street, North Dighton, MA 02764
AP 4, Lot 201



Town of Dighton, MA

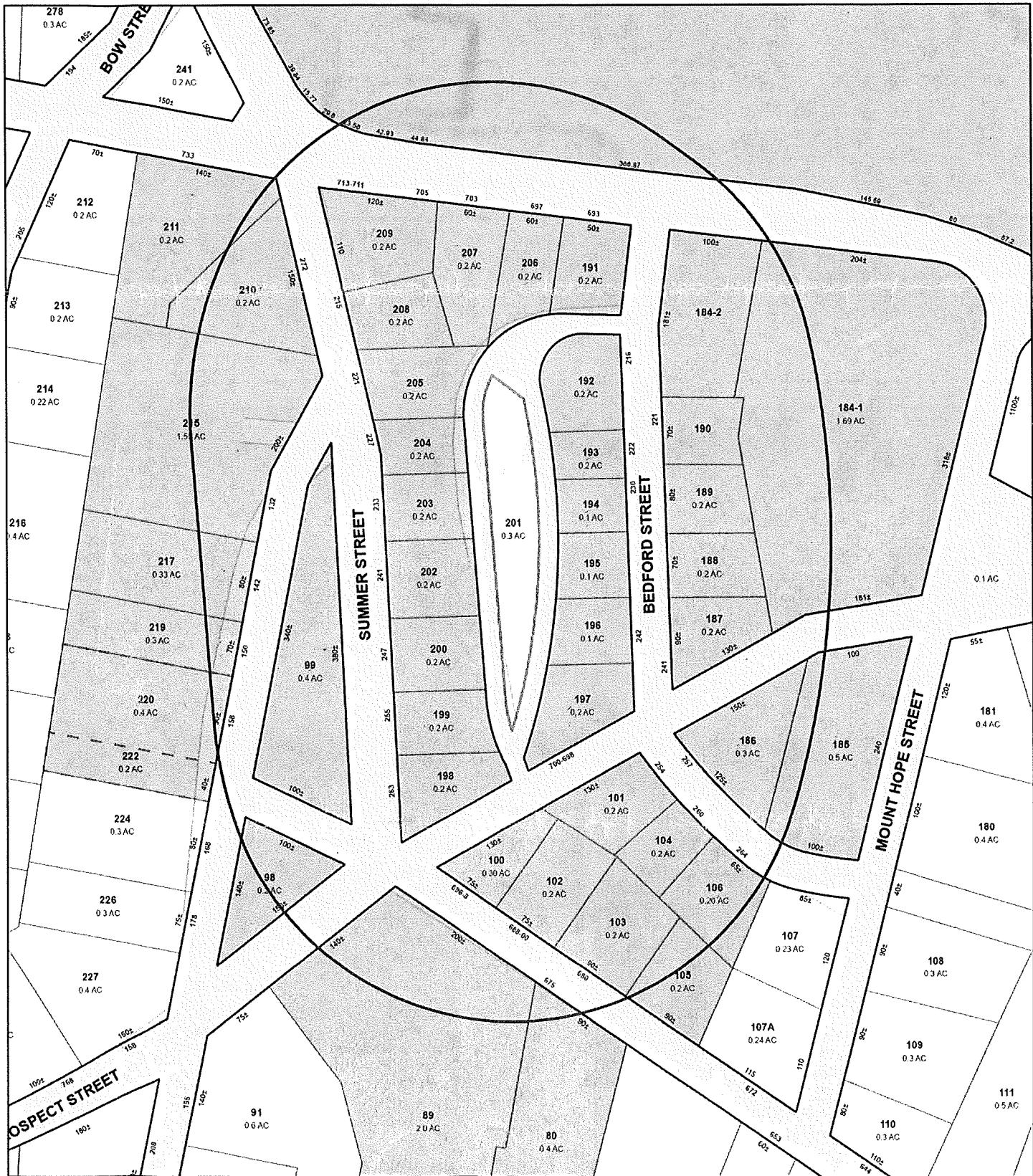
1 inch = 141 Feet

CAI Technologies
Precision Mapping. Geospatial Solutions

www.cai-tech.com

September 24, 2024

0 141 282 423



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

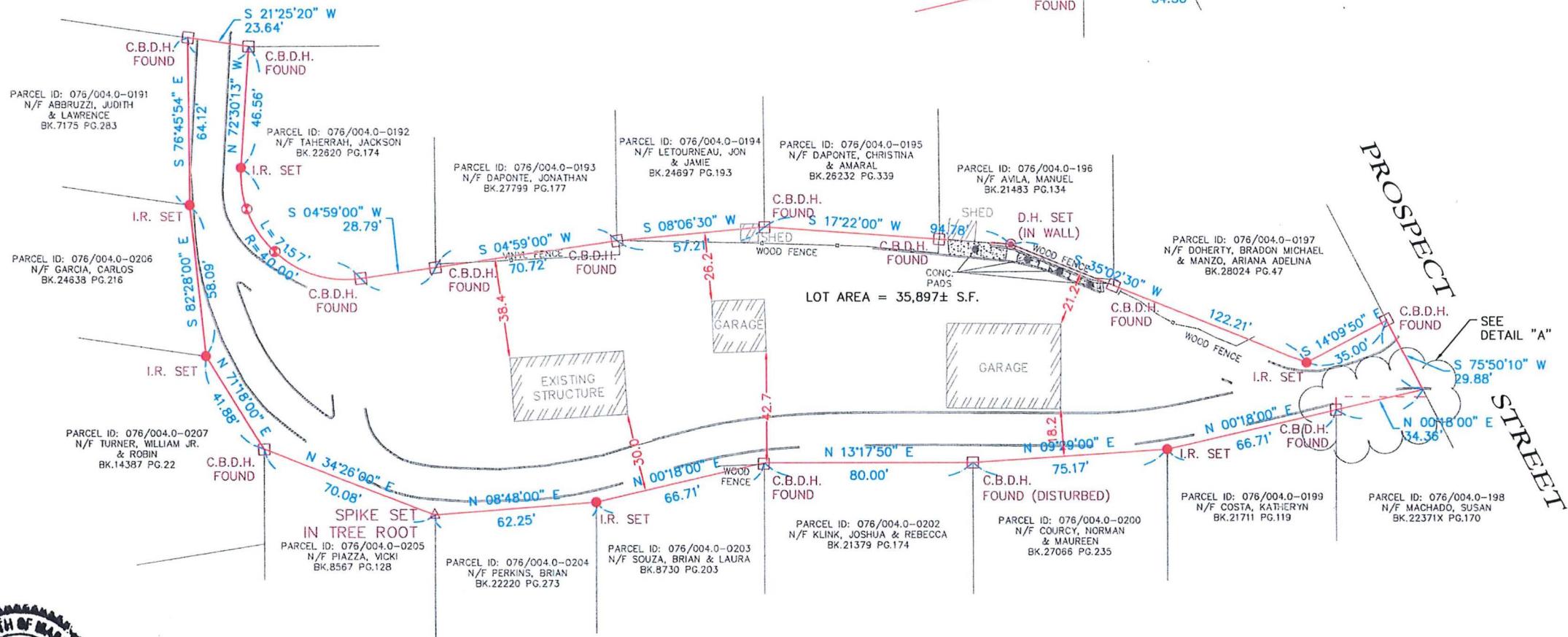
NOTES

1. ALL DIMENSIONS TO STRUCTURES ARE TO SIDING UNLESS OTHERWISE NOTED.
2. THE LOCATION OF EXISTING UTILITIES AND STRUCTURES AS SHOWN ON THIS PLAN IS BASED ON RECORDS OF VARIOUS UTILITY COMPANIES, RECORD PLANS, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE LOCATION OF ALL UNDERGROUND UTILITIES AND STRUCTURES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION.

LEGEND

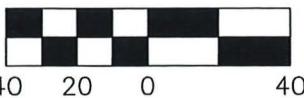
_____	PROPERTY LINE
_____	ABUTTERS
=====	CONCRETE CURB
□	CONCRETE BOUND
○	DRILL HOLE
●	IRON ROD
△	NAIL
◎	STAKE SET

BEDFORD *STREET*



Dennis O'Brien P.L.S.

DEED REFERENCE, BK: 14890 PG: 245
PLAN REFERENCE, PB: 44 PL: 32



CERTIFIED PLOT PLAN
233R SUMMER STREET
DIGHTON, MA BRISTOL COUNTY

SCALE: DATE: REVISED: DRAWN BY: CHECKED BY:
1:40' 8/2/2024 --- J.A.A. D.O.