



Weir. He travels quite a bit so it won't be a high density business. He stated the tattoos he does takes 6-7 hours so he will have 1 client a day. He stated he will display his art work for people to view. Paul stated he has seen a lot worse things come to the city. He asked the Board to act favorable on this proposal. No one opposed. Wayne stated at last hearing he heard testimony that the owner had interest but chose this one. Wayne stated this is contrary to the zoning ordinance. Wayne stated there is no hardship which warrants the granting of the variance. It was clear that a use allowed under the zoning had interest and the owner thought this would be a nice fit. Chairman Ackerman stated it was noted in the previous zba decision that this building should have been taken down and then the ZBA granted approval to allow building to remain. Chairman Ackerman blames the ZBA back then and the Building Department. Chairman Ackerman stated Mr. George honestly represented that he has interest for an allowed use but chose this one. It's nothing against the character of the petitioner in fact he believes he's a great tattoo artist. Chairman Ackerman doesn't think it belongs down the Weir. The Weir is having trouble with Lopes on Plain Street (former McCabe sand & gravel site)

Motion made and seconded to Gant as Presented:

Ackerman, Correira, Berube....No  
Amaral, Staples.....Yes  
Petition Denied

**Case #3341                      Hawthorne Development Inc.                      545 Winthrop St.**  
For: A Special Permit from Section 440 Attachment #1 of the Zoning Ordinance for a mixed use building consisting of 2,200 sq. ft. Retail/Office and 10 residential units.

For the Petitioner: Atty. Edmund Brennan, One Church Green, Taunton, Ma.

In favor: None

Opposed: Dianne Gallego, 834 Rocky Woods St., Taunton, Ma.  
          Tod Reinhart, 125 Andrea Lane, Taunton, Ma.  
          Joan Proulx, 30 Range Ave. Taunton, Ma.  
          Nancy Pearson, 33 Range Ave., Taunton, Ma.  
          David Lewis, 44 Range Ave. Taunton, Ma.  
          Brandon Miranda, 77 Alexandra Dr. Taunton, Ma.  
          Zane Rogers, 19 Range Ave. Taunton, Ma.

Atty. Brennan stated they reduced the number of units. They are proposing a 3 tory 13,000 sq. ft. building with 11,000 sq. ft. for Retail and 11,000 sq. ft. on 2<sup>nd</sup> floor and the rear of the first floor for residential units. The second & 3<sup>rd</sup> floors will have 4 residential units. The lots conforms and no variances are need. They are asking for Special Permit for mixed use . Some time ago the petitioner was proposing triplexes on Range Avenue and was denied but got approval for single family which are under construction now. They will provide 33 parking spaces and are asking for asking for a reduction of landscaped buffer by 50%. Atty. Brennan states this Board has the authority to put conditions if they feel so. The Board, in their recent approval stated they wanted

residential use on Range Ave and commercial on Winthrop Street. Atty. Brennan stated this will have little impact on the Range Avenue area. He stated the petitioner has a good reputation and is reasonable who built many subdivisions in the City. Chairman Ackerman read letters the City Planner, Conservation Commission and B.O.H. into the record. Atty. Brennan said they were proposing 3 bedrooms. It was asked if they were to be condos? Atty. Brennan states condos is a form of ownership and they can consider that, they have no opposition to that. Joe 's biggest concern is the mixed use. There hasn't been any real interest in the business use out here. Atty. Brennan stated 1,100 sq. ft. could be appealing to a small office. Wayne asked if they could fill it with commercial and Atty. Brenna answers no it's been difficult. There will be parking in back for residential units while the commercial parking will be in front. Opposed: Diane Gallego, 834 Rocky Woods St. stated there is no need for more apartments. She suggests putting light. She reminded the Board that the Fenway building was approved for mixed use and is still empty. The bowling alley, Oxygen bldg., Mike's Auto and church properties are all empty. She asked where are the children going to play? She enjoys the quiet neighborhood. She is concerned with flooding. Opposed: Joan Proulx, 30 Range Ave. stated putting 3<sup>rd</sup> floor will be inconsistent with the neighborhood. She doesn't want any apartments. Opposed: Nancy Pearson, 33 Range Ave. is opposed to any reduction of landscaping requirements. Speeding is a problem in the area. Lopes is a huge business and they are on both sides. She would rather see retail. Resident of 62 Alexandra Dr. reminded the Board about Lopes getting approved for condo development down the street. The traffic is horrendous and a traffic light is needed. Joe stated the City completed the sewer and now everyone has to pay the betterment tax and its forcing businesses to close. Joe doesn't think a mixed use is the right use here. It's a tough stretch of road. Opposed: David Lewis, 44 Range Ave. thinks a reduction of residential units would be better. He doesn't think the ratio is good, there is more residential than commercial. Chairman Ackerman suggests putting a couple of triplexes. It was noted that Range Ave. and Winthrop Heights Dr. is not aligned and makes it a tough intersection. It was noted they are clearing some land now and you can hear noise. Wayne stated the zoning ordinance allows mixed use. He too thinks the sewer tax is hurting businesses in the area. Opposed: Brandon Miranda, 77 Alexandra Dr., stated the mixed use will lower the house values. He actually tells people he lives in Rehoboth because Taunton is known as the projects. Zane Rogers, 19 Range Avenue says they are stuffing a complex in one small area. Now they want to stack 3 stories on top of wetland. The building is 100 feet long and they are asking for waiver of landscaping. He stated 2 of the lots on Range Avenue are under construction. Opposed: Elizabeth Lewis, 44 Range Ave. stated there is 2 new business one being the new daycare. This property is in disrepair. Atty. Brennan stated the commercial development is bleak and now this developer wants to put his money into this project. They are proposing market rate condos owner occupied. It was suggested scaling it down to 2 stories, 6 residential units and 2 office/retail. The Board would like to see some recreation area. It was asked if they could put traffic light and Atty. Brennan answers no. Joe asked if they had any idea of how many vehicles this will generate? Atty. Brennan didn't know. Wayne suggested reducing to 6 residential units, move building and put more buffer and it could work. Chairman Ackerman stated the house on Lot A is currently rented now as a single family. Chairman Ackerman wanted that lot to remain a single family dwelling. Chairman

Ackerman suggests 5 units? Atty. Brennan stated two 1,100 sq. ft. office is not very large they need 6 to make it work. It was stated they have 300 feet of frontage and they can do 2 lots? It was suggested reducing to 6 residential units, 2 retail/office, condo and setbacks as far back from street and no waiver of landscaping. It was recommending continuing and submit new plans showing 6 residential units, recreation area. The petitioner will submit letter extending the time frame.

Motion made and seconded to continue until next month.

Vote: Amaral, Correira, Berube, Ackerman, Staples,.....Yes  
Petition Continued

**Case #3340 Mitsiaris 40 Meeshawn Ave.**  
For: A Special Permit from Section 440 -710 of the Zoning Ordinance for the Renewal of an Accessory Dwelling Unit.

For the Petitioner: Anna Mitsiaris, 40 Meeshawn Ave., E. Taunton, Ma.

In favor: None

Opposed: None

Ms. Mitsiaris stated she just wants to renew the accessory dwelling unit for her parents to reside. Nothing has changes. Chairman Ackerman read letters from the City Planner, B.O.H., and Conservation Commission into the record. No one in favor or opposed.

Motion made and seconded to Grant as Presented:

Vote: Correira, Berube, Ackerman, Staples, Amaral,.....Yes

Petition Granted

**Case #3338 South Coast Development LLC 148 N. Walker St.**  
For: A Special Permit from Section 440 Attachment #2 of the Zoning Ordinance to allow a gas station and convenience store with 10 Fueling positions, drive-thru window and a pump island canopy.

For the Petitioner: Atty. David Gay, P. O. Box 988, Taunton, Ma.  
Mickey Higgins, South Coast Dev. LLC, 280 Ayer Rd., Harvard, Ma.  
Dominic Brown, South Coast Dev. LLC, 280 Ayer Rd., Harvard, Ma.  
John Marchand, P.E., Farland Corp., 401 County St., New Bedford, Ma.

In favor: Peter Cullen, 12 Simpson Lane, Assonet, Ma.

Opposed: Rhoda Katz, 137 N. Walker St., Taunton, Ma.

Linda Mason, 145 N. Walker St., Taunton, Ma.

Atty. Gay stated they are here tonight for a Special Permit for a convenience store with drive-thru on the corner of North Walker Street and Winthrop Street. They designed the site so no variances would be needed. The site will be serviced by municipal water & sewer and underground utilities. Atty. Gay stated there are no gas stations on the north side of the road until you get to Route 118 in Rehoboth. This development will assist with that void. His client is willing to contribute towards the financial investment and will give the City \$100,000 towards whatever they wish to use it for, lights, traffic study. Atty. Gay stated his clients will be putting a New England Farms store (like the one on Myricks St. in Berkley. John Marchand, P.E.. stated the site is .8 acres on the northeast side of Winthrop Street and they are proposing a 4,300 sq. ft. store with drive-thru with 5 dual gas pumps. They will be providing a passing lane along the drive-thru lane., nice landscaping and parking along the west and east side. The drainage will meet the stormwater management rules. They don't have a commitment yet of who will be using the drive-thru. It won't be a Dunkin Donuts. The building will have brick on bottom and vinyl cement siding, like a typical convenience store. Chairman Ackerman suggested keeping the canopy one color. Joe asked if this will be going where the white house is and they answered yes. The small garage, white & yellow house will be coming down. George asked where the entrance would be and they said off Winthrop Street. He just wants to make sure a tractor trailer will be able to maneuver it. They spoke to the city Planner and changed plans. Joe stated the traffic will be coming from Providence and they will turn left onto North Walker Street. He asked about traffic light? A traffic light has to be warranted in order for Mass. Highway to put lights. Wayne asked about buffer along North Walker Street? They are proposing plantings consisting of ash trees, low junipers and low flowering bushes. All these won't obstruct the view. George asked if it's possible to talk to Mass. Highway and then get permits Atty. Gay stated Mass. Highway won't even talk to you without permits (approvals). Joe thinks it's a good project BUT there needs to be a light at this intersection. Atty. Gay stated it's not a destination place. People going in that direction will be utilizing this store. Atty. Gay stated the petitioner will be investing \$2million and giving the City \$100,000 for mitigation for lights. Chairman Ackerman said he's hopeful this project will create the traffic volume warranting a light at this location. Wayne said it's a fine project and the petitioner keeps his place in Berkley beautiful. But he agrees this area needs a light. Joe re-iterated it's a great project but it will only work with light. Mickey Higgins, stated they ran economics and they have limited competition and they have spent \$20,000 on traffic. He has worked for Mobil since 1988 and he can submit letter of recommendations if the Board wishes.

He asks the Board to not condition it on getting the light. Chairman Ackerman asked if he could contribute \$200,000? In favor: Peter Cullen, stated this is a local business that wants to come to Taunton. He thinks it's a good project. Opposed: Linda Mason, 145 N. Walker St. – lives right across the street and Dunkin Donuts promised to keep their property clean and they have failed. She agrees there needs to be a light here because it takes her 5-10 minutes to get out of her driveway. At 1:00 AM Dunkin Donuts gets deliveries and at 6:00AM a big tractor trailer comes and she can hear the speaker from her house. Opposed: Rhoda Katz, 137 N. Walker St. stated she has lived there for 50

years and there have been a lot of changes. There are so many accidents, trucks speed and she too thinks a light is needed. Atty. Gay stated the hours of operation would be 5 :00 AM - - midnight. He understands the neighbors' concerns. He stated Dunkin Donuts had methods to correct it. They will be willing to contribute \$150,000, conduct traffic study and design of intersection. Atty. Gay stated they spoke with Mass. Highway and Fred Cornaglia, DPW about a light but it's beyond their control. It has to meet the criteria for a light and hopefully this project will help. Chairman Ackerman suggests restricting deliveries.

It was suggested putting berm where the landscaping is to prevent lights from interfering into abutters across the street. Mike said it's a good project and the petitioner has been generous in contributing monies. Chairman Ackerman asked what hours are the food deliveries? Micky answers normal food deliveries are 6:30 Am – 500 PM. Chairman Ackerman read dept. comments from City Planner, Conservation Commission, Water, Engineer and B.O.H. Wayne stated it's hard to represent what a state agency is going to do. He thinks the petitioner is making a substantial commitment. Joe wants the lights in before occupancy. It was suggested widening both entrances by 10 feet subject to Mass. DOT approval.

Motion made and seconded to Grant with the following conditions:

1. Petitioner is required to contribute \$150,000 toward a traffic light. Check to be delivered to the ZBA Office prior to a building permit being issued and held in an account specifically for this use.
2. Petitioner is required to pay for traffic study prior to a building permit being issued.
3. Petitioner is required to pay for the design of the intersection prior to a building permit being issued. All documents to be submitted to the City Engineer.
4. Widen both entrances to a width of 50 feet wide subject to Mass. D.O.T.
5. Restrict deliveries between 6:00 AM – 10 00 PM
6. Restrict fuel deliveries between 6:00 AM – 9:00 PM
7. Petitioner to aggressively petition Mass. D.O.T. for lights at intersection.
8. Petitioner to install fencing along the landscaped buffer on North Walker Street to provide buffer from lights on residences across the street.

Vote: Correira, Berube, Ackerman, Staples,.....Yes  
Amaral.....No  
Petition Granted

**Case #3342                      JAM Enterprises Realty Trust                      745 County St.**

For: A Special Permit from Section 440 Attachment #2 of the Zoning Ordinance to allow the existing building to be expanded (4,500 sq. ft) and be used for an Office & Warehouse and a Variance from Section 440 – 702 to allow a waiver of the side landscaping buffer requirement (0 feet instead of 40 feet) .

For the Petitioner: Atty. William Rosa, Wynn & Wynn, 90 New State Highway, Raynham, Ma.

In favor: None

Opposed: None

Atty. Rosa states his client is the owner of New England Safety Systems Inc. an electrical contractor for 11 years out of East Taunton. They purchased the former house owned by painter Martin Sullivan of which they want to renovate and put addition. They will use as offices and warehouse. They are asking for waiver of the side landscaping. Atty. Rosa pointed out that by right they could put in a bank, bowling alley which doesn't need any zoning approval. They wish to put office and warehouse which will employ 6-8 employees and the employees take the trucks home. There may occasionally come to pick up supplies. They will have 5 office employees of which 2 travel so there most likely be 3 cars. This is a very low impact business. Atty. Rosa states on a rare occasion there may be a tractor trailer come but mostly Fed Ex or UPS deliveries. Chairman Ackerman read letters from the City Planner, B.O.H., and Conservation Commission into the record. The Board suggested having angled parking and moving spaces from where the dumpster is to where the addition is but leave Handicap space. It would leave more paved area for circulation. There was discussion on whether or not to have a 16 wide paved surface but the Board will leave that for the Site Plan Review process. No one in favor or opposed.

Motion made and seconded to Grant with the following conditions:

1. Re-locate the 3 parking spaces next to the building and place them next to the dumpster. The handicap space remain as is.

Vote: Correira, Berube, Ackerman, Staples, Amaral.....Yes  
Petition Granted

**Case #3339**

**Victor**

**206 High St.**

For: A Special Permit from Section 440 -709 of the Zoning Ordinance for a dwelling conversion of a 2 family to a 3 family on a lot having 5,760 sq. ft. (instead of 15,000 sq. ft.) and over 60% lot coverage of the side yard for parking.

For the Petitioner: Breeze Victor, 206 High St., Taunton, Ma.

In favor: None

Opposed: None

Mr. Victor states he wishes to convert his 2 family to a 3 family for financial reasons. He is a Tufts University student and lives with his aunt & uncle and his brother is currently in school. He is aware of the letters from the City Planner and City Engineer relative to the 8 foot wide entrance. Chairman Ackerman read the dept. comments from the City

Planner, Engineer, B.O.H. and Conservation Commission. Back in 2005 the former owner applies for same thing and was denied. Mr. Victor provided an engineered plan with his application. Joe asked if there is parking on Riverside Avenue? Mr. Victor answers it's the entry way to the house in the rear. Joe asked how many bedrooms on 3<sup>rd</sup> floor and Mr. Victor answers 2 bedrooms. He lives on 2<sup>nd</sup> floor. Wayne asked if there is a curb cut there already and he answers yes. What is the distance from the bulkhead to the right side? Mr. Victor answers about 30-35 feet. It appears by the submitted parking plan you are forced to back out onto High Street. The Board suggests putting 2 spaces in the rear parallel or angle the other way? After some discussion it was suggesting continuing and meet with City Planner and Engineer to see what they think. If they only have room for 5 spaces they would need to re-advertise for parking variance Mr. Victor will submit letter waiving time frame.

Motion made and seconded to continue until next month.

Vote: Amaral, Correia, Berube, Ackerman, Staples,.....Yes  
Petition Continued

Meeting adjourned at 9:15 PM

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**OTHER BUSINESS:**