

**CITY OF TAUNTON  
ZONING BOARD OF APPEALS**

**JULY 21, 2016 at 6:00 PM**

**(Meeting held at Maxham School, 141 Oak St., Taunton, Ma)**

Members Present: Chairman Ackerman, Berube, Staples Correira, Vieira, and Moniz.

Meeting called to order at 6:02 PM

Wayne made motion to accept June 9, 2016 minutes, seconded by Steve. All in favor.

Chairman Ackerman explained the process of which the ZBA conducts its meetings. They listen to the petitioner/Attorney, then opposition or in favor and then back to the petitioner. They do not go back and forth.

Joe Amaral present at 6:05 PM.

**Cont'd. Case # 3327 Cruz/Zeigle 124 Highland St. & Prop. I.D 91-284  
(Pinehurst St.)**

**A Variance from Section 6.2 & 6.3 of the Zoning Ordinance to allow the re-configuration of 6 lots into 4 without having the required frontage, lot width, lot area, upland and side setbacks. Lot 2A being a conforming lot with the existing house located in the Urban Residential District. Lots 2B, 2C & 2D having 66.67 feet of frontage & lot width (instead of 125' of frontage & 100' of lot width) and Lots 2B & 2C having 9,200 sq. ft. of lot area & upland (instead of 30,000 sq. ft. & 22,500 sq. ft. upland); Lot 2D having 9,200 sq. ft. of lot area & 8,855 sq. ft. of upland (instead of 30,000 sq. ft. lot area & 22,500 sq. ft. of upland) and Lots 2B, 2C, & 2D having an 11 foot side setback (instead of 15') in Suburban Residential District on premises situated 124 Highland Street, and also property I.D. 91-284 (Pinehurst Street)**

**Letter from Atty. William Rounds requesting to withdraw without prejudice.**

Wayne made motion to allow the withdrawal, seconded by Steve. All in favor.

Petition Withdrawn without prejudice.

**Cont'd. Case # 3328 Big Red Properties LLC Duffy Dr. (Prop. I.D. 68-41-0)**

**A Variance from Section 6.3 of the Zoning Ordinance to allow the construction of a single family dwelling on a lot having 13,648 sq. ft. (instead of 15,000 sq. ft.) with 8,498 sq. ft. of upland (instead of 11,250 sq. ft.) and a 10 foot front setback for stairs (instead of 25 feet)**

Letter from Atty. Zajac requesting a continued until next month.

Wayne made motion to grant continuance, seconded by Steve. All in favor.

Petition continued to September 15, 2016 meeting.

**Case #3329 Hayes 988 Crane Ave. South**  
**For: A special Permit from section 440 Attachment #2 – Table of Use of the Zoning Ordinance to allow the mezzanine area to be used as Offices (506 sq. ft.) in an Industrial District.**

For the Petitioner: John DeSousa, SeaCoast Consulting, LLC, 4 Court St., Taunton, Ma.

In favor: None  
Opposed: None

John stated his client wishes to expand his office space by make the mezzanine space office space. Wayne asked what type of business is there? The space will be used for office for auto cad. No one in favor or opposed. Chairman Ackerman read letters from B.O.H., Conservation Commission and City Planner into the record.

Motion made and seconded to grant as Presented:

Vote: Correia, Amaral, Ackerman, Berube, Vieira ....Yes

Petition Granted

**Case #3054-Mod. (2016) Hinton 342 Winthrop St.**  
**For: A special Permit from section 440 Attachment #2 – Table of Use of the Zoning Ordinance to allow a convenience store with re-fueling and associated storage of petroleum in a Highway Business District.**

For the Petitioner: John DeSousa, SeaCoast Consulting LLC, 4 Court St., Taunton, Ma.

In favor: None  
Opposed: None

John stated the Board previously approved this site for a gas station, restaurant with drive-thru and convenience store. Since then they have removed the restaurant and drive-thru. Chairman Ackerman asked if the gas would be a brand name and he answers yes. John the Planning Board approved the changes with a new Site Plan Review. No one in favor or opposed. Chairman Ackerman read letters from B.O.H., Conservation Commission and City Planner into the record.

Motion made and seconded to grant with the following conditions (from original approval)

1. All lighting shall not illuminate onto abutting properties.
2. Provide fencing on both sides of property and place fencing on the rear of the property line as approved by the Conservation Commission.





5 or 6 parking spaces are required for this use. Chairman Ackerman asked the Secretary why the City Planner didn't say they need a parking variance? The Secretary answers she did not know and perhaps he doesn't need one. She asked if the Chairman contacted the City Planner about this and he answered no. Chairman Ackerman stated he thinks Weir Fruit needs 13 parking spaces and there is only 18 spaces so there won't be enough for all the businesses. He states if Weir Fruit is going to allow you to use their parking it might put them in jeopardy and they may need variance for parking. Chairman Ackerman they may have to amend their zoning approval. He cited an old variance in 1987 (Case # 1374) which required this building to be razed.. Chairman Ackerman stated he blames the ZBA and the Building Dept. because the building wasn't razed. However, in Case # 2016 the ZBA in 1994 approved this building to remain. Chairman Ackerman states "use variances" under the ordinance, you have to show the site cannot be used for anything else. He stated it would have to be proven that there are no other areas in the City that this use can go. He stated this use is allowed by SP in the Highway Business District and Industrial District. Chairman Ackerman stated he could go on Main Street, County St., Weir and Broadway. Mike stated he didn't think he could go downtown on Main Street (that is zoned CBD) Joe remembers someone wanted to go in on Winthrop Street. Letter from Tom Hoyer, Jr., Tom & Jimmys Realty, 24 Weir Ave, in support. Joe asked if he's the only tattoo artist will it be open while he's not there or out of town. Mr. Jones answers he may close but the art gallery will be open to sell artwork. Mr. Jones stated he will most likely have 1 client a day. Joe asked if he will be doing body piercing and Mr. Jones answers no and he doesn't intent to. Joe asked if he would be ok with restriction of NO body piercing and Mr. Jones agreed. Wayne asked if the owners were present and Mr. Tom George got up to the podium. Wayne asked what the last use there? Mr. George stated he had a retail use (Vitamin Store) Mr. George stated they have made some improvement to the site including new roof. Wayne asked if he been marketing the building? Mr. George stated he had sign in window and he has had some interest for a hair salon, barbershop, retail but he thought this use would be better fit because it would less parking and by appointment only. Wayne stated you had interest for uses that wanted to go in but yet you want a tattoo business which requires a variance for use. Wayne stated that's contrary to the zoning ordinance because, in his opinion, there is no hardship because the place can support other business uses. His other concern is parking. Chairman Ackerman thinks they need a variance for parking because they would be taking spaces from Weir Fruit. It was mentioned there is a municipal parking lot next to Weir Pizza. It was stated the retail use is about 400 square feet. Chairman Ackerman suggests getting determination from the City Planner. Chairman Ackerman stated he based it on 1480 square feet and if so it would require between 5 & 6 parking spaces. The secretary asked the Chairman if he was determining the parking based on the whole building as retail because the retail portion is only about 400 square feet. Chairman Ackerman stated if the applicant finds a different location that requires ZBA approval the fee would be waived for the next 6 months. There was some discussion about if you can count off-street parking.

Motion made and seconded to continue and request determination from the City Planner inquiring how many parking spaces is required based on the proposed uses and square footages.

The petitioner submitted letter waiving the time frame on which to act on this proposal.

Motion made and seconded to grant a continued.

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

Petition Continued

Meeting adjourned at 7:03 PM.

**Next meeting is September 15, 2016 (due to State Primary on September 8, 2016)**

Meeting adjourned at: 6:57 PM.

Next meeting is September 15, 2016

