

3-12-15mins

**CITY OF TAUNTON
ZONING BOARD OF APPEALS
MARCH 12, 2015 – 6:00 pm.**
(held at Maxham School, 141 Oak St, Taunton, Ma.)

Members Present: Wayne Berube, Steven Vieira, Michael Staples , George Moniz , Joseph Amaral and Steven Figueiredo.

Meeting opens at 6:04 pm.

Wayne made motion accept minutes of Feb. 12,2015, seconded by Joe. All in favor.

Case #3265 Conena (Prop. I.D 25-94 & 25-93) 33 Sabbatia Dr.

For: Variance from Section 6.3 of the Zoning Ordinance for the construction of an in-ground pool with a zero foot side setback (instead of 25').

For the Petitioner: Atty. Stephen Kenney, 181 Village St., Medway, Ma. 02053

In favor: None

Opposed: None

Atty. Kenney stated the owners of the property wish to put an in-ground pool and they own both lots. Both lots are registered in land court so it would be a lengthy process to combine lots. So they are asking to be able to put pool between property lines, resulting in having a zero foot side setback from the interior lot lines. They purchased the abutting property from the City to correct an encroachment for the corner of the garage. If the property wasn't registered land they could combine easily and show as one large lot. Atty. Kenney states this is the only logical place for pool. The property drops toward the land and there will be foliage on both sides. Wayne asked if all parcel are in land court? Atty. Kenney stated that lots 67, 68, 69 & 70 are all registered land. Joe asked the corner of the garage is on abutting lot. Atty. Kenney stated yes that is why they purchase abutting lot. The house was not built the current owner. No one in favor or opposed. Dept. letters from City Planner, Conservation Commission, B.O.H., City Engineer were read into the record.

Motion made and seconded to grant as Presented:

Vote: Staples, Moniz, Berube ,Vieira, Figueiredo ,.....Yes

Petition Granted.

Case #3266 Enos Middleboro Ave. (prop. I.D. 97-67 & 97-68)

For: A Variance from Section 6.2 & 6.3 of the Zoning Ordinance for the construction of single family dwelling on a lot having 18 feet of frontage & lot width (instead of 150' of frontage & 100' of lot width)

For the Petitioner: Paul Patneau, P.E., Earth Services Corp., 198 Crane Ave. So., Taunton, Ma.

In favor: Richard Smith, 876 Middleboro Ave., E. Taunton, Ma.

Opposed: None

Paul stated the petitioner has a large 2.8 acre parcel to the rear of the existing house. The property is located in the Rural Residential District and the intent is to sell back lot to help with repairs to existing house. Joe asked if if the existing house was single and they answered yes. In favor: Richard Smith, 876 Middleboro Avenue stated he is in favor of Sally selling lot to help with

her expenses. Joe asked if they are proposing to build a single family and they said yes. The house would be set back about 600 feet from road. It was mentioned they could only build a single family only in this district. Dept. letters from City Planner, Conservation Commission, B.O.H., City Engineer were read into the record.

Motion made and seconded to grant as Presented:

Vote: Staples, Moniz, Berube, Vieira, Figueiredo, Yes

Petition Granted.

Case #3267 Stevenson 9 Woodlawn St.

For: A Variance from Section 6.2 & 6.3 of the Zoning Ordinance for the re-division & re-configuration of a parcel of land which have merged for zoning purposes into 2 lots. Lot 1 containing the existing house having 90 feet of frontage & lot width (instead of 125' of frontage & 100' lot width) and 12,115 sq. ft. of lot area and dry area (instead of 30,00 sq. ft. lot area & 22,500 sq. ft. dry area) and Lot 2 having 90 feet of frontage & lot width (instead of 125' of frontage & 100' of lot width) with 13,008 sq. ft. of lot area & dry area (instead of 30,000 sq. ft. of lot area & 22,500 sq. ft. of dry area).

For the Petitioner: Atty. Matthew Costa, Gay & Gay, P.C. P.O. Box 988, Taunton, Ma.

In favor: Petition signed by 6 abutters

Opposed: Richard Murray, 10 Woodlawn St., E. Taunton, Ma.

Atty. Costa stated this property has been in the family for many years. They get 2 separate tax bills but the lot is held in common ownership. They are proposing to re-divide what was there with a slight configuration. There will be no new non-conformities to the existing house. The new lot will meet all the setbacks. The land was originally 2 separate but then due to change in zoning they have merged. The proposed lots will fit in with the neighborhood. The property is in the Suburban Residential District but all lots are similar to Urban Residential District size. The proposed lot is large enough to fit one single family home. Atty. Costa stated if the petitioner has legal advice he would have put lot in separate name. Wayne asked Atty. Costa where is the hardship? Wayne pointed out he picked up other lot and held it for some time but now it has merged. Atty. Costa stated the hardship is that lots have merged and he no longer can build on it. The lot is larger than most in the neighborhood. Atty. Costa stated the petitioner doesn't get the benefit to build. Joe asked if the petitioner plans on living there? Atty. Costa stated he had tenant in existing house until he passed away in October. Joe pointed out the size of the house on the plans. Atty. Costa stated that is for illustration only to show they don't need any setback variances. He stated they don't know what size or number of stories yet. William Stevenson, 28 Caswell Street stated his youngest son & family is going to move into existing house. Opposed: Richard Murray, 10 Woodlawn St., opposed. He has lived there since 1991 and he didn't think there would ever be a house there. The neighborhood is quiet. Joe stated there have been some variances granted on this street for different circumstances. Atty. Costa stated that the 2 direct abutters are in favor. Currently the petitioner has a large area to side with 90 feet of frontage that he is currently maintaining. He stated without a variance he cannot build. He would put house similar to that in the neighborhood. Joe stated these are common requests that come in all the time but we know what type of house and it's shown on the plans. He wanted to know what was being proposed and what is going to happen to it. Joe asked what is the hardship? Atty. Costa states they are proposing a single floor single family house. Mr. Stevenson said he is a licensed contractor and he will not be selling to a developer. Wayne stated there is no hardship and they don't know what they are going to do with the proposed lot. Wayne stated, in his opinion, there is no hardship and he wants to know what is going to happen with the lot. Atty. Costa asked for a continuance so they can submit a more defined plan of what they are proposing. Wayne stated they should have talked with abutters. Atty. Costa stated he did speak to abutters on both sides and submitted petition of abutters in favor.

Motion made and seconded to grant a continuance until next month.

Vote: Staples, Moniz, Berube, Vieira, Figueiredo, Yes

Petition continued to April 9, 2015

Meeting adjourned at 6:46 PM

