

5-9-13 mins.

**MINUTES
CITY OF TAUNTON
ZONING BOARD OF APPEALS
May 9, 2013 a 6:15 pm**

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

Members Present: Steven Vieira, Dennis Ackerman, Joseph Amaral, Wayne Berube and Peter Wasylow..
Meeting opens at 6:19 pm

Wayne made to accept minutes of April 11, 2013, seconded by Joe. 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.

Chairman Ackerman brought up the summer schedule.

Wayne made motion to re-schedule July meeting to August 1,2013 at 5:30 pm. Seconded by Peter All in favor.

Case # 3160 – Letter from applicant requesting to change fencing from chain link to stockade.

Chairman Ackerman read letter from John Garanito asking the Board to allow him to put up stockade fence instead of chain link. John presented letter from abutting in agreement.

Peter made motion to place letter from Stephanie Ponte, 29 Madison Street on file seconded by Wayne.

Wayne made motion to allow change from chain link fence to stockade fence. Seconded by Peter. All in favor.

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

Record change at Registry of Deeds.

Cont'd. Case # 3163 McGee Family Partership 529 Richmond St. A Variance from Section 6.2, 6.2.5 & 6.3 and a Special Permit from Section 5.2 of the Taunton Zoning Ordinance to allow the division of an 5.45 acre parcel into 3 lots and a Special Permit to allow a residence in a Industrial District; Lot A-3-1 having 20.01 feet of frontage & lot width (instead of 150' frontage & 100' lot width) with a shape factor of 44.51 (instead of 35) Lot A-3-2 having 20.01 feet of frontage & lot width (instead of 150' frontage & 100' lot width)

Letter from Atty. Gay requesting to withdraw without

prejudice.

Motion made and seconded to grant petition to be withdrawn without prejudice.

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

Petition withdrew without prejudice.

Case # 3172 Cleary 8 Lawrence Street

For: A Special Permit from Section 5.3.4 of the Zoning Ordinance to allow the modification of a pre-existing non-conforming structure by allowing a single family dwelling to a 2-family dwelling.

For the petitioner: Peter Cleary, 8 Lawrence St., Taunton, Ma.

Opposed: None

In favor: None

Mr. Cleary stated this property has been approved for a two-family but was never completed. The property has historically been a 2-family but was never properly converted. The Board granted approval in 2005 but building permit was never pulled. No one in favor or opposed. Letters from City Planner, Conservation Commission and Board of Health were read into the record.

Ackerman asked how many units in front? Mr. Pine answers the front house is a 2 family and the existing driveway will be for the existing house. Joe asked if this was ever a 6 family house and Mr. Pine answers no. He stated there was an apartment building there a long time ago, it was demolished but his house was already there. Chairman Ackerman asked about the cars backing out onto Winter Street. Mr. Pine stated most of the time there isn't a problem. The water & sewer will be coming from School Street. He stated the neighbors have no issues. He will live in the apartment above garage and rent out house. Wayne asked about proposed driveway and if it would be blacktopped? Mr. Pine yes the proposed would be blacktopped which will enter off School Street. Wayne asked how wide the entrance off Winter Street is? It appears it's about 30 feet wide. Wayne asked what size apartment was he thinking of building? Mr. Pine answers 2 bedroom, living room, bath & kitchen. Wayne asked if he has any desire to leave the premise and rent out? Mr. Pine stated he is 55 years old and has lived here for 24 years and upon his retirement in 10 years the extra income will help. Mr. Pine states no he has no desire to leave neighborhood. Chairman Ackerman read the City Engineer's letter into the record. Mr. Pine agrees with the City Engineer's recommendations. Wayne asked if they exit off School Street would they need curb cut and it was answered yes. Letters from the City Planner, B.O.H. and Conservation Commission were read into the record.

Motion made and seconded to Grant as Presented with the following conditions:

- spaces The existing parking spaces to be changed as specified in the City Engineer's letter which stated the two angled parking spaces should be oriented perpendicular to the driveway, and the driveway width should be widened to 24 feet. This will allow easier exiting from the property by not requiring vehicles to back out into traffic. If there is a concern for the adjacent trees, the parking need not be paved.

Vote: Ackerman, Vieira, Wasylow, Amaral, BerubeYes
Petition Granted:

Case # 3176 Dublin Bldg. Systems Charles F. Colton Rd.

For: A special Permit from Section 2.1 of the Zoning Ordinance to allow an increase in the maximum allowable office in a 7,000 sq. ft. industrial building (from 20% to 26%)

For the petitioner: Kenneth Motta, Sr. Project Mgr., Field Eng. Co. P. O. Box 1178, Mattapoisett, Ma.

Opposed: None
In favor: None

This parcel is a 3 acre parcel on the former Dever State School and its vacant on all three sides. The increase in office space is needed due to the needs of the maintenance facility. Chairman Ackerman asked if this is a new business going in? Mr. Motta answers yes. There will be 20 employees but 4-5 will be in office from 8-5 pm. No one in favor or opposed. Letters from City Planner, Conservation Commission and Board of Health were read into the record.

Motion made and seconded to Grant as Presented:

Vote: Ackerman, Vieira, Wasylow, Amaral, BerubeYes
Petition Granted:

Case # 3177 Figueiredo 79 Clifford St.

For: A Variance from Section 6.2 & 6.3 of the Zoning Ordinance for the division of one lot into two lots with Lot 2 having 60 feet of frontage & lot width (instead of 100')

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

Opposed: None
In favor: None

Paul stated that the petitioner is requesting to split one lot into two lots without the required frontage & lot width. Paul stated there were 3 individual lots at one time. The existing house will have 60 feet of frontage and the new lot will have 120' of frontage. Paul pointed out that Cobb Brook is in close proximity and this is an endangered species zone. They placed house far enough away from the wetlands. The lot will be serviced by Municipal sewer & water. Joe asked if they have been to the Conservation Commission yet and Paul answered no. They are outside the 100

riparian zone and they have spoken to the Conservation Agent about it. Joe pointed out the petitioner purchased the house less than a year ago and now he wants to divide it.? Was he aware it didn't meet the requirements? Paul stated the petitioner approached him to survey the property and he thought it was bigger. Paul stated there is ample square footage just limited on the frontage & lot width. Wayne didn't like the fact that the existing house had the non-conforming frontage. Paul pointed out that this was originally 3 separate lots with 60 feet of frontage so he just kept it that way. Wayne stated there is no hardship, he bought 2 -family and now petitioner wants to create a non-conforming lot. No one in favor or opposed. The petitioner purchased the property in September and wants to create a non-conforming lot alleging a hardship. Letters from the City Planner, B.O H. and Conservation Commission were read into the record.

Motion made and seconded to Grant as Presented.

Vote: Ackerman, Vieira, Wasylow, Amaral, BerubeNo
Petition Denied:

Case # 3178 Cornell, Nadeau, Kay & Bucheck 250 Williams St. Hearing
held on May 9, 2013

For: A Variance from Section 6.2 & 6.3 of the Zoning Ordinance for the division of one lot into two lots. Lots 126 & 127 combined having 82.46' of frontage & lot width (instead of 125' frontage & 100' lot width) with 26,400 sq. ft. lot area (instead of 30,000 sq. ft.) Lot 123 having the existing dwelling with 82.46' of frontage & lot width (instead of 100' lot width & 125' of frontage) with 8,800 sq. ft. of lot area & dry area (instead of 30,000 sq. ft of lot area & 22,500 sq. ft. dry area) and having 28% maximum lot coverage (instead of 20%) with a sideline setback of 3.43' (instead of 15')

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

Opposed: None
In favor: None

Atty. Rosa states he is representing petitioners on property which has merged for zoning purposes. In 1978 they purchased 2 additional lot of which they now want to re-divide into 2 lots. This property is bounded by 3 streets so they cannot purchase any more property to add to square footage. The existing house lot has 26,000 square feet and has been in the family since 1960. The sideline setback is required due to the exterior oil tank which is covered by a shed. Atty. Rosa stated the hardship is that the property is abutted by 3 streets. There is no sewer and they will connect to city water. Joe asked about Paddock Street which is a gravel driveway. There was a variance for 250R & 250 1/2 Williams Street. Atty. Rosa pointed out that Barstow Street is not constructed. Joe stated the house has been there forever. Wayne asked if the proposed single family house will have to comply with Title V regulations. Atty. Rosa answers yes. Letters from the City Planner, B.O H. and Conservation Commission were read into the record.

Motion made and seconded to Grant as Presented and the following condition:

- New house must be tied into Municipal Water.

Vote: Ackerman, Vieira, Wasylow, Amaral, BerubeYes

Petition Granted:

Wayne state last month the Board referred the issues of a possible yard sale ordinance and a letter was drafted and sent to Council. He stated this is generated because of a property on Winthrop Street. The property always has items on the front lawn creating an eyesore. Wayne stated he has spoken to the Zoning Enforcement Officer about this and she is working on it.

Meeting adjourned at 7:19 pm.

