

8-1-13 mins.

**MINUTES
CITY OF TAUNTON
ZONING BOARD OF APPEALS**

August 1, 2013 at 5:30 PM

Members Present were: Dennis Ackerman Chairman, Joseph Amaral, Estele Borges, Wayne Berube., Steven Vieira and George Moniz. .

Meeting opens at 5:36 pm.

Peter made motion to accept minutes of June 14, 2012, seconded by Wayne All in favor.

Chairman Ackerman explains the ZBA process. The petitioner presents their case then they hear from anyone in favor or opposed then they go back to the petitioner to address any of the opposition concerns, they do not go back & forth.

Minutes of June 13, 2013 meeting were approved.

Case # 3190 Figueiredo Staples St. (Prop. I.D. 134-137)

For: A variance from Section 6.3 of the Zoning Ordinance to allow the development of a lot having 125.45' of frontage (instead of 150')

For the petitioner: Atty. David Gay, P. O. Box 988, Taunton, Ma.
Paul Patneau, P.E., Earth Services Corp., 198 Crane Ave. South, Taunton, Ma.

Opposed: None

In favor: Marcus Ramos, 113 1/2 Williams St., Taunton, Ma.

Atty. Gay stated this parcel is located in the Rural Residential District but has 125.45' of frontage instead of 150 feet. There is a small area of isolated wetlands which is being reviewed by the Conservation Commission. They are proposing one single family house on 3.20 acre lot. The alternative would be to put in roadway but it would not be worth and he thinks one house will be better in keeping with the rural character of the neighborhood. Atty. Gay stated the proposed frontage is adequate access for one single family house. Paul Patneau, P.E.. stated this has been reviewed the Conservation Commission. Atty. Gay stated the uniqueness of the lot is the large lot area and limited frontage. Chairman Ackerman asked what would stop someone in future of splitting lot again? Atty. Gay stated they would have to come to this Board but that is not the intention. The prospective buyer is here tonight. Atty. Gay stated they could put condition no further subdivision. Paul stated the property perked good and the area is elevated. Joe asked who was the original owner and Atty. Gay stated Stankiewicz. They had a Form A plan done to divide the lots. Lot 1 is a conforming lot and the petitioner purchased that property less than a year ago. Steve asked about Lot 1 and the remaining land? Atty. Gay stated Lot 1 has house on it. The parcel before you tonight is on plan identified as "remaining land". Wayne stated he thought it was peculiar that the buyers came here tonight. Atty. Gay stated the buyers came on their own. Wayne stated that this particular developer always seems to have a buyer for the property he's seeking a variance on? Atty. Gay stated he has seen this in other towns because the P&S is contingent upon receiving zoning approval.

Atty. Gay didn't think this was unusual. Wayne stated the lot is unbuildable but he has buyer? In favor: Marco Ramos, 113 1/2 Williams Street stated he has a P&S Agreement to purchase land if they get zoning approval. He saw lot 4 months ago and he would like to live there with wife and son. Chairman Ackerman asked who is the Realtor and he answers Nelson Matos, Remaxx Welcome Home. Chairman Ackerman asked if he was told he needed zoning approval? Mr. Ramos answers yes. Estele asked if he was purchasing entire lot or just the remaining land? Estele didn't specifically see it on the P& S and then it was pointed out to her. Mr. Ramos stated he is very happy with the builder's product. Wayne asked if lot 1 is sold and he was told yes there is a house on it. No one appearing in opposition. Dept. letters from the City Planner, Board of Health and Conservation Commission into the meeting. Wayne asked if petitioner created this or previous owner Stankiewicz? Atty. Gay stated Stankiewicz crated these lots by a Form A. Atty. Gay stated the petitioner, Mr. Figueiredo did not create these parcels he just purchased them. Joe asked if Lot 1 was ever part of the whole parcel? Attorney Gay stated he hasn't done title research on the whole property.

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

- Single family only
- No further subdivision.

Vote: Amaral, Vieira, Berube, BorgesNo
AckermanYes

Petition Denied:

Case # 3159-Mod. Brophy 475 Crane Ave. South

For: A Variance from Section 6.2 & 6.3 of the Zoning Ordinance to allow the division of one lot into two lots resulting in Lot 1A having 0 feet of frontage and lot width (instead of 150' of frontage & 100' lot width)

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

Opposed: None

In favor: Henry Arsenault, 392 Crane Ave. So., Taunton, Ma.

Chairman Ackerman stated the applicant is requesting a waiver of the filing fees for this modification. The Chairman talked to the applicant and she didn't comprehend the plans.

The original filing fee was \$375 and the modification was \$300.

Estele made motion to waive the filing fee (\$300 modification fees) seconded by Joe. All in favor.

Paul stated the only change is the middle lot line. They were asked to stake out the property and the applicant noticed the driveway is not on her lot that she will be living. She wishes to have control of the driveway and access as she will be selling lot 1A. Henry Arsenaault, 392 Crane Ave. South in favor of petition. 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, Amaral, Borges, Vieira, MonizYes
Petition Granted:

Case # 3187 Murray 7 ½ South St.

For: A variance from Section 6.3 of the Zoning Ordinance for a 2 foot side setback (instead of 15') for the existing carport.

For the petitioner: Joseph Murray, 7 ½ South St., Taunton, Ma.

Opposed: Letter from Tyler Paul Kingsley & Leslie-Ann Cook, 7 South St., Taunton, Ma.
In favor: None

Mr. Murray states he's here tonight because he needs a variance for the carport he put up 2 feet from property line. He has had the carport since January 2013. Steve asked him if he has an auto repair business there? Mr. Murray answers he is a hobbyist and he has collective cars in yard and garage. Chairman Ackerman stated he heard he was repairing other people's cars. There is a lot of night work and worker coming in morning and leaving at evening. Mr. Murray stated he doesn't work at night. Steve asked Mr. Murray if he thought the abutters called the Board and lied? Mr. Murray answers he didn't say that but he says he's not running a business. Estele stated she went out to site. Joe asked how much was the carport and Mr. Murray answers \$2,400 and they put up in 2 hours. Joe asked if he could move it and he said yes because it's not attached to the cement floor, it's bolted down in ground. Chairman Ackerman pointed out according to surveyed plans submitted you have plenty of room to move and meet the sideline setback. Mr. Murray stated if he moved it the carport would block the siteline to his back yard, it will cut it off? Chairman Ackerman stated it may be a little inconvenient for you but it's better than impacting neighbors and having a zoning issue. Discussion went back and forth as to how it was put up without building permit. Mr. Murray stated the people who he purchased it from stated it didn't need building permit. Estele asked him if his neighbors had any issues and Mr. Murray stated no. Chairman Ackerman informed him that his direct neighbor had letter in file in opposition. Mr. Murray was shocked. He stated they are good friends and he wasn't aware of that. George suggests shifting if over to meet setback. Chairman Ackerman stated, in his opinion, there is no hardship. He asked if there was a septic system in the way and Mr. Murray answers no. Chairman Ackerman again stated that he can meet the setback he just doesn't want to. Wayne asked who put up and Mr. Murray answers a company comes out and puts up in about 2 hours and they said no building permit was needed. Chairman Ackerman stated if the Board did grant the abutters would like a fence. Chairman Ackerman stated he was visited by the ZEO a while ago and what was that for? Mr. Murray answers for having too many unregistered cars which he took care of. Wayne asked who put up and Mr. Murray stated a local contractor, Cruisin & Classics on Winthrop Street. Dept. letters from the City Planner, Board of Health and Conservation Commission into the meeting. No one in favor or opposed.

Motion made and seconded to Grant as Presented .

Vote: Ackerman, Amaral, Vieira, BerubeNo
Borges.....Yes
Petition Denied:

Case # 3188 Silvia 40, 46 & 56 County St

For: The petitioner amended his request and reduced the number of lots being created. The new proposal is for a Variance from Section 6.2 & 6.3 of the Zoning Ordinance for the re-configuration of 3 lots into 4 lots. Lot 1 having 75 feet of frontage & lot width (instead of 100 feet of lot width & 125 feet of frontage) and lot 2 having 100 feet of frontage (instead of 125 feet of frontage) Lot 3 having 0 feet of frontage & lot width (instead of 100 ' of lot width & 125 feet of frontage.

For the petitioner: Atty. William Rounds, 115 Broadway, Taunton, Ma.

Opposed : None
In favor: None

Atty. Rounds stated the petitioner is requesting to amend his request and only create one additional house lot. That is because they were creating for family members and son does not want to live there and they won't have to survey the remaining land as indicated in the City Planner's letter. He stated the river is in back and the shape and size of the lot creates the hardship to petitioner. There is ample lot area but limited frontage. Chairman Ackerman read dept. letters from the City Planner, Board of Health and Conservation Commission into the record. No one in favor or opposed.

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

- If municipal Water & sewer is not available, the lot would need to be able to construct an on-site septic system, with appropriate setback requirements and buffers in accordance with Title 5 Regulations. The dwelling must comply with the Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II.
- Re-submit amended plans.

Vote: Ackerman, Amaral, Borges, Berube, Moniz.....Yes
Petition Granted:

Case # 3189 IBEW Local 223 475 Myles Standish Blvd.

For: A special permit from Section 5.2 of the Zoning Ordinance for 33,000 sq. ft. building to be used as an Office Use in an Industrial District.

For the petitioner: Rich Riccio, P.E., Field Engineering Co., P. O. Box 1178, Mattapoisett, Ma.
Dave Fenton, 16 Arthur St., Taunton, Ma.

Opposed: None
In favor: None

Chairman Ackerman asked what happened to the other site? Rich stated they still have it but this site is a better opportunity for them. This site is across from Quality Beverage. The warehouse part of the building is vacant. They will be expanding the parking to accommodate for the use. The access will be from John Quincy Adams Road. Wayne asked Dave Fenton if his offices will be there and he said yes. 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, Amaral, Borges, Vieira, BerubeYes

Petition Granted:

Case # 3191 Conlon 406 Tremont St.

A Variance from Section 5.2 of the Zoning Ordinance to allow auto sales in conjunction with the existing HVAC Refrigeration Business with associated vehicles & snow removal (See Case # 3045)

For the petitioner: Joseph Conlon, 397 Tremont St., Taunton, Ma.

Opposed: None
In favor: None

Mr. Conlon stated he would like to be able to handle trailers for his refrigeration business. In order to do that you need to have titles which triggers a Class II License. He will use Class II license to buy, sell and transferring vehicles and refrigeration trailers with titles. He stated there will be no vehicles kept outside. This will NOT be a used car dealership. There will be no added traffic and he hasn't had any complaints from any neighbors. Chairman Ackerman talked with some neighbors and they have no complaints. Wayne stated the applicant runs a wonderful operation. No one in favor or opposed. Letters from the City Planner, Conservation Commission and Board of Health were read into the record. .

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

- There shall be no outdoor storage or display of vehicles and trailers.
- Hazardous Materials Control Permit must be obtained. If vehicles are being brought inside the garage, an oil water separator must be utilized.
- No snow should be stored on this property because the current stormwater set-up is for this property without additional stormwater (snow melt) added. Any work to the rear of the property will require filing with the Conservation Commission

Vote: Ackerman, Amaral, Borges, Vieira, BerubeYes

Petition Granted:

Meeting adjourned at 6:50 PM