

**MINUTES**  
**ZONING BOARD OF APPEALS**  
**January 26, 2023 at 6:00 PM**  
at 15 Summer St- City Hall

**Members Present:** Dennis Ackerman, Wayne Berube, Steve Vieira, Seth Turner, and George Moniz

Meeting opens at 6:04 PM

**Wayne made motion to approved Oct. 27<sup>th</sup>, Nov.17<sup>th</sup> and Dec. 15<sup>th</sup> minutes, seconded by George. All in favor.**

**ELECTION OF CHAIRMAN AND CLERK**

George nominates Dennis Ackerman for Chairman, seconded by Seth.

Roll call: Turner, Moniz, Berube... vote for Dennis Ackerman,

Dennis Ackerman abstains from vote.

**Dennis Ackerman was elected Chairman**

Wayne nominates Steve Vieira for Clerk, seconded by George.

All in favor.

**Steve Vieira was elected Clerk**

Chairman Ackerman explains the ZBA process. They hear presentation from petitioner, hear opposition and in favor and then go back to petitioner to answer any questions.

They do not go back and forth.

**Cont'd Case # 3701 Soares 49 Weir St.(66-566) and Prop. I.D 66-567)**

For: A Variance from Section 440-704 & and Section 440 attachment # 3 of the Zoning Ordinance to allow a mixed use building with an 18 unit group residence on the 2<sup>nd</sup> & 3<sup>rd</sup> floors (instead of the 10 units max allowed) in conjunction with a restaurant and pawn shop on first floor, and the use of municipal parking lot for parking (instead of providing 18 spaces on site)

Letter from owner requesting to continue to April 27<sup>th</sup> meeting and extending the time frame on which to act on this proposal.

**George made motion to continue to April 27<sup>th</sup>, seconded by Seth. All in favor.**

**Petition continued to April 27<sup>th</sup>.**

**Public Hearing advertisement process: To meet with the City Law office to discuss the public hearing advertisement process**

Asst. City Solicitor Tom Gay, Jr. was invited into the enclosure. He stated they are looking over the public hearing process more specifically the legal advertising part of it. He has met with the ZBA Chairman, City Planner and staff to see what the best procedure is. It's still a work in progress. They will discuss the options with the City Planner, staff and will check with the Planning Board as the procedure should be the same. He suggests continuing and come back in March and in the meantime keep the process the way it is. Chairman Ackerman stated he's 80% in agreement and he suggested new ideas today which will need to be discussed with the City Planner. He announced does not want to incur any more expense to the petitioners.

**George made motion to continue this to March 23<sup>rd</sup> meeting, seconded by Seth. All in favor.**

**Case # 3704                              Gibbs                              Crane Ave .South (29-1 & 29-144)**  
For: A Variance from Section 440-602 & Section 440 attachment # 3 of the Zoning Ordinance for the division of one lot into two buildable lots with each lot having 55 feet of frontage (instead of 150') and 55 feet of lot width (instead of 100') **Renewal of Case #3557**

For the Petitioner: Roy DeLano, Lighthouse Land Survey, 27 Jefferson St., Taunton, Ma.  
Jonathan Gibbs, 1185 Norton Ave, Taunton, Ma.

In favor: None  
Opposed: None

Roy stated in August 2020 the applicant received approval in Case # 3557 and their brother-in-law had interest in purchasing the property but decided to not move forward. Since then they put driveway in and had perk tests done, and went to conservation commission. In November he had buyer for land and found out the variance had expired. It was asked if this is the exact same proposal as before? Roy stated 4 neighbors were using some of his clients land and they will convey some land to them. Lot 1 had 14.9 and now it has 14.8 and Lot 2 had 15.1 acres and now it has 14.3 acres. So there will be some minor lot line changes. Chairman Ackerman read dept. comments from City Planner, Conservation Commission, City Engineer and Water Dept. which were placed on file. Chairman read the previous conditions on the previous approval. There was some discussion about fencing and the Board thought it would be left up to the two abutters if they wanted fencing. Mr. Gibbs stated he spoke to one neighbor and he said they would wait to see how the vegetation grows in? Wayne asked if Conservation was all set and it was answered yes. It was stated the Form J is still good. It was suggested to place same conditions as previous with little modification about the fence. Public Input: no one in favor or opposed.

Motion made and seconded to grant as presented with dept. comments.:

1. The driveway must be a minimum of 18 feet wide.

2. The turnaround for emergency vehicles must be a minimum of 25' x 70'3.
3. A 6 foot vinyl fence to be erected along the rear property lines of 508 Crane Avenue South and 496 Crane Avenue South within one year of a building permit issued. If abutters do not want fencing they must submit letter to ZBA office for file.

**Vote: Turner, Moniz, Berube, Ackerman....Yes**  
**Petition granted.**

**Case # 3705**   **Theresa Souza**   **Cape Rd. 71-43**  
For: A Variance from Section 440-702 of the Zoning Ordinance to allow a zero foot rear landscaped buffer requirement (instead of the required 25 feet ) on premises situated on **Cape Road, property I.D. 71-43, E. Taunton, Ma.**

For the Petitioner: Atty. Dan deAbreau, 174 Dean St. Unit B, Taunton, Ma.  
Theresa Souza, 400 Cape Rd., E. Taunton, Ma.  
John & Julia Almeida, c/o 400 Cape Rd. E. Taunton, Ma.  
Ryan Maxwell, Bracken Engineering Inc., 49 Herrin Pond Rd.,  
Buzzards Bay, Ma.

In favor: Theodore Richmond, 661 Richmond St., E. Taunton, Ma.  
Opposed: None

Chairman Ackerman read dept. comments from the City Planner, Conservation Commission, City Engineer, and Water Dept. which were placed on file. Atty.deAbreau states they have received P.B. approval for a Special Permit/Site Plan Review for an auto repair. They are now asking for a waiver of the rear landscaping buffer requirement. They lot is irregular shaped and the rear landscaping is the portion of the lot that is not being developed. During the Site Plan Review process the landscaping can be reduced to 50% . Chairman Ackerman stated that is, in his opinion, a minor change and doesn't know why you must come here. Chairman Ackerman stated this Board is here to help people to not spend money. Atty. deAbreau stated the Planning Board through the Site Plan Review process reduce it to 50 % and anything over that requires a variance from ZBA. Under the zoning ordinance you need variance for anything under 50%. Chairman Ackerman stated they should look at that. Public Input: Theodore Richmond, 661 Richmond St. stated he's the owner to the left and has no issues with the proposal. He has his property for sale.

Motion made and seconded to grant as presented:  
Vote: Turner, Moniz, Berube, Ackerman....Yes  
Petition granted.

Case # 3706

Barbour Enterprises

Dean St., 56-62

For: A Special Permit from Section 440 Attachment #1 of the Zoning Ordinance to allow a two-family use with 6 parking spaces in the Highway Business District .

For the Petitioner: Atty. Daniel deAbreau, 174 Dean St., Unit B, Taunton, Ma.

Jacques Barbour, Barbour Enterprises LLC, 9 Greystone Ave.,

Taunton, Ma.

Jacob Barbour, 14 First St., Taunton, Ma.

In favor: None

Opposed: None

Chairman Ackerman read dept. comments from City Planner, Conservation Commission, City Engineer and Water Dept. which were placed on file. Chairman Ackerman asked if there is sewer and it was answered yes. Atty. deAbreau stated they are here tonight for a Special Permit with 6 parking spaces. The previous owner was granted a SP from P.B. for a 3 family with 10 parking spaces. When they went before the Conservation Commission it was reduced to a 2 family with 6 parking spaces. They went for a building permit and was informed they needed to come back for approval. Due to the recent zoning changes it now is under the ZBA. They are not seeking any variance just need SP for the 2 family use and parking as shown on the plans that was approved by Conservation Commission. The entrance will be from Disamar Road and they will be 3 bedroom units. The proposal will remain in harmony with the neighborhood. Wayne asked if they are here for a 2 family use with 6 parking spaces as shown on plans and it was answered yes. Chairman Ackerman asked the petitioner if the layout is the same just 2 units instead of 3 units and he answered yes. Chairman Ackerman stated he doesn't think they deserve to be here. The proposal is less and he doesn't think you need our approval. He stated he is pro-business and pro-homeowners and thinks it's unfair he needed to file with us. Mr. Barbour stated he reach out to the City and thought he was ready to go. Chairman Ackerman asked how long and how much as this cost you? Mr. Barbour stated he's had to pay the mortgage for the past 4-5 months and pay engineer and he said about \$15,000. Chairman Ackerman asked what our filing fee was and the secretary answered \$300. At this time Chairman Ackerman asked what this board can do to make it easier? Mr. Barbour answers maybe refund the fee? Chairman Ackerman stated he suggests to the Board refunding the file fee, he knows he cannot reduce the legal advertising fee. **George made motion to refund the \$300 filing fee, seconded by Dennis. All in favor.** Public Input: No one in favor or opposed.

Motion made and seconded to grant as presented with dept. comments:

1. Plans are required and need to be submitted for DPW for water services, and curb stops.
2. DPW permits are required including: City licensed contractor, road opening, and or trench.

3. DPW specifications apply including: pressure testing, materials, installation, new water meter with an updated radio frequency unit, inspection, and approval.
4. Prior notice is required before any city water work is to be performed, and inspections will be required before backfilling.

**Vote: Turner, Moniz, Berube, Ackerman....Yes**  
**Petition granted.**

**OTHER BUSINESS: Letter relative to stipends**

Chairman Ackerman stated he submitted letter signed by board members requesting an increase in stipend. He was informed he should have vote of Board.

**George made motion to forward the request to the City Planner for consideration and put it in budget. Seconded by Wayne All in favor.**

**Meeting adjourned at 6:47 PM**

