

MINUTES
ZONING BOARD OF APPEALS
January 27, 2022 at 6:00 PM
at 15 Summer St- City Hall

Members Present: Dennis Ackerman, Wayne Berube, Craig Faria, Seth Turner, Steve Vieira, George Moniz and John Joyce

Meeting opens at 6:00 PM

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.

**Steve made motion to accept minutes of October 28th & Nov. 18th and Dec. 16th.
Seconded by George. All in favor.**

Election of Officers: Chairman and Clerk

Wayne nominates Dennis I. Ackerman for Chairman, seconded by George.
Vote: Moniz, Berube, Turner, Vieira, Faria, Joyce,Yes
Dennis I. Ackerman abstains from voting.
Dennis I. Ackerman was elected Chairman

George nominates Steve Vieira for Clerk, seconded by Wayne.
Vote: Moniz, Berube, Turner, Faria, Joyce, Ackerman.....Yes
Steve Vieira abstains from voting.
Steve Vieira was elected Clerk

Case # 3590 – Requesting a 6-month extension – Thrasher Street
Steve made motion to grant 6-mnth extension, seconded by Wayne. All in favor.
6-month extension granted.

**Case # 3641 Capital Dev. Co. LLC 1 Greylock Ave. & prop. I.D. 64-178
and 64-187)**

For: A Variance from Section 440 Attachment #3 of the Zoning Ordinance for the division of one lot into 3 lots. Lot 2 having 10,950 sq. ft. of lot area & dry area and Lot 3 having 10,079 sq. ft. of lot area & dry area (instead of 15,000 sq. ft. of lot area & 11,250 sq. ft. dry area) on premises situated at **1 Greylock Avenue, and property I.D. 64-178 and 64-187) Taunton, Ma.**

For the Petitioner: Atty. Brianna Correia, 123 Broadway, Taunton, Ma.
Josh Borden, Arthur Borden Associates, 302 Broadway, Raynham,
Ma.

Carl Capelo, Capital Development Co. LLC, 37 Taunton Green, #
1215, Taunton, Ma.

Opposed: None

In favor: Ligia Marques, 38 Oak Ave., Taunton, Ma.

Carol Costa, 74 Highland Ave., Taunton, Ma. had some questions

Edward Martins, 9 Greylock Ave., Taunton, Ma. had some questions

Atty. Correira stated they wish to re-divide the property that is on a 1800's plan which had 6-7 smaller lots which have merged for zoning purposes. They have been taxed on 3 parcels and they will submit a Form A plan creating lot 1 which is a conforming lot. Petitioner has talked to many of the neighbors and they are fond of keeping the existing home and restricting lot to be a single family. Atty. Correira stated the proposed lots are bigger than the existing lots in the area. The petitioner will work with neighbor on putting fencing up. Josh said there will be minimal increase in impervious area and they know during the building permit process they will keep all stormwater on their property. Wayne asked what is the hardship? Josh pointed out the property slopes towards the rear of the property and there are some holes in the property. The topography at the street is 39 feet and in the back it's 45 feet. Chairman Ackerman read dept. comments from the City Planner, Conservation Commission, B.O.H., Fire, and Water Dept. Public Input: Carol Costa, 74 Highland Ave. Had question about what is going in on Lot 1? It was explained to her that that will be a conforming lot and they are not here tonight for that. Edward Martins, 9 Greylock Ave. had some questions about water being kept on their property. It was explained to him that is addressed during the building permit process and they have to show to the City Engineer they will keep their water on their property. John asked if each lot will have their own driveway and Josh answers yes. Wayne asked how big of a house were they planning on? The plans show a 30 x 28 with 24' x 24' garage. It was noted they will not seeking any setback variances. Mr. Capelo stated he is open to whatever the Board wants relative to size. Chairman Ackerman suggests putting restriction on no further variances for lots 2, & 3. No one opposed

Motion made and seconded to Grant the petition with the following conditions:

1. Single family only lot 2 as presented.
2. No other variances shall be granted on Lot 2 or lot 3.

Vote: Ackerman, Berube, Faria, Turner, Vieira.Yes
Petition Granted

Case # 3653

Robicheau

199 Hodge St.

For: A Variance from Section 440 Attachment #3 of the Zoning Ordinance to allow an existing 10.9' x 13' gazebo to have a 4.4 foot side yard setback and a 16' x 16.5' patio/deck having a 2.3 foot side setback (instead of 25 feet)

For the Petitioner: Atty. Brianna Correira, 123 Broadway, Taunton, Ma.
John DeSousa, NorthCounty Group, 4 Court St., Taunton, Ma

In favor: Petition signed by 11 abutters in favor.

Opposed: Atty. Paula Miller, representing Melissa Gibson, 30 Colony Lane,
Taunton, Ma.
Atty. David Manoogian, representing Leo & Elizabeth McTernan, 185
Hodges St. Taunton, Ma.

Atty. Correira stated they received confirmation from the Law. Dept. relative to the patio/deck and they have since re-advertised for that. At the last hearing it was stated since the house was constructed in the 1970's the grandfathered setbacks are 25 from front 15' side and 20' rear. They are here tonight for the gazebo that was purchased and put on a patio/deck within the side setback. Since last meeting the petitioner is now willing to make the patio/deck permanent by installing sonotubes to secure it . Atty. Correira stated the hardship is the topography and shape of the property. They cannot put the gazebo in the back due to the raised septic system. Per the B.O.H you cannot put set anything on top of any part of the septic system. They have the support of neighbor at 215 Hodges St. and across the street. John D. stated the current patio/deck is on floating blocks and they will remove the blocks and put sonotubes to make it a "permanent". Chairman Ackerman stated if approved they can make that a condition. Wayne asked how would they make it permanent? John D. stated they will put the sonobubes 4 ½ feet in ground and install 6 brackets the patio gets bolted to. Wayne stated the major issue was in his mind how could they grant a variance for something that was temporary.

Opposed: Atty. Paula Miller representing Melissa Gibson, 30 Colony Lane stated there are various structures on the property that do not meet setbacks. The petitioner's disregard the rules and just do anything they want without the proper permits. Chairman Ackerman informed everyone they are just here tonight for this property and the Board can only vote on what is before them. He suggests they contact the appropriate dept. if they want some action taken. Atty. Miller responded saying they will talk to the building department and B.O.H about the other issues. George stated he walked the property and did not see what the abutters was alleging. Ms. Gibson stated that is not true and Chairman Ackerman stated she will have her time to talk. Atty. Miller stated the petitioner claims this is the only location for the gazebo but it's not the only location.

Opposed: Leo McTernan stated his attorney submitted a letter after last meeting which should be read into the record. Chairman Ackerman noted they read dept. comments from the City Planner, Conservation Commission, B.O.H., Fire, and Water Dept were previously read into the record. Letter from Atty. Manoogian on behalf of Leo & Eliz. McTernan in opposition was read into the record. Atty. Correira stated some of the out buildings on her client's property have been there for longer than 10 years and are considered grandfathered. She stated any structure under 120 sq. ft. is only required to meet half of the setbacks. John D. stated there is a raised septic system in the rear of the property which is per Title V regs. They placed the gazebo in the only real location it

could go. Chairman Ackerman stated the ZBA has discretionary power to make something “illegal” legal by granting approval.

Steve made and seconded by George to Grant the petition as presented with the following condition:

- 1. The gazebo will be on top of the wood patio/deck and the patio/deck will made permanent by installing sonotubes as presented at hearing.**

**Vote: Ackerman, Berube, Faria, Moniz, Vieira.....Yes
Petition Granted**

Case # 3658 **Rodrigues** **43 Chandler Ave.**
For: A Variance from Section 440-702 of the Zoning Ordinance for a waiver of the landscaped buffer requirement (10 feet front, side, and rear required) for the proposed 4 unit multi-family dwelling on premises situated at **43 Chandler Avenue, Taunton, Ma.**

For the Petitioner: John DeSousa, NorthCounty Group, 4 Court St., Taunton, Ma.

Opposed: None
In favor: None

John said his client wishes to build a 4 units at 43 Chandler Avenue. They were here a few months ago to move the property line so the existing barn could remain with 43 Chandler Ave lot. The new lot will have 4 units and they are seeking to reduce the landscaping requirements. They have provided the required parking but they will not have enough room to plant trees. Some of the parking will be accessed from Chandler Avenue and some from West Adams St. The proposed building will be in the same location as the existing structure and will meet all setbacks. They will maintain the grass and will provide shrubs in front of the buildings. Steve asked if they need to go to the council for approval and John answered yes. Chairman Ackerman read dept. comments from the City Planner, Eng., Conservation commission, B.O.H., Fire and Water Dept. Public Input: No one in favor or opposed.

**Steve made motion and seconded by Craig to Grant the petition as Presented:
Vote: Ackerman, Berube, Faria, Turner, Vieira.Yes
Petition Granted**

Steve Vieira excused from meeting at 7:24 PM

Case # 3659 **Mather** **127 Plain St.**
A Variance from Section 440-602 and Section 440 Attachment # 3 of the Zoning Ordinance for the division of one lot into two lots with Lot B having 60.38 feet of frontage and 53 feet of lot width (instead of 100 feet of frontage & lot width)

For the Petitioner: Atty. Brianna Correira, 123 Broadway, Taunton, Ma.

Matt Tavares, JK Holmgren Engineering, 1024 Pearl St., Brockton, Ma.

In favor: Petition signed by 5 abutters in favor.
Arthur Lopes, 121 Plain St., Taunton, Ma.

Opposed: None

Chairman Ackerman read letters from the City Planner, City Engineer, Conservation Commission, B.O.H., Water and Fire Dept. Atty. Correira stated they are proposing to divide the lot into two lot so the petitioner's son can live with his finance. The property is located in the Urban Residential District and will be serviced by municipal water and sewer via sewer extension. They originally looked at converting the house to a two-family but cannot because there is ledge on the property. The plans provided shows the approx.location of the ledge. Lot B will be located in the rear of existing house and will comply with all setbacks. Atty. Correira stated a lot of the lots in the area are smaller than what they have. There will be no adverse effect on traffic from one single family house. They will need to give an easement because the existing driveway will go over the proposed property line. Chairman Ackerman asked if granted will the existing house be connected to sewer? Atty. Correira stated they have a working septic system but they will be agreeable to connect to sewer. Steve asked if they did any testing for ledge and it was answered no. John suggested providing an emergency turnaround where the existing concrete pad is on plans. He also suggests moving lot line so the driveway is straight line instead of it being wide at street then narrowing down. He stated it's a pork chop lot and he thinks it would be better to have a driveway the same width all the way down. It was noted if they move lot line they would require re-advertising because you took more land from existing house lot. Wayne stated just a few months ago he voiced in concerns with these proposals for houses in back of another house and now here is one. He doesn't like it and cannot support the petition. Chairman Ackerman stated he's aware of some possible zoning changes in the future that would allow lots like these allowed by right. He's aware of several surrounding communities have these "retreat lots". Public Input: Arthur Lopes, 121 Plain St. stated he lives next door and he's in favor. He thinks it's a good idea petitioner wants son to live close by. He has 5 acres of farmland and if they need to access through his land for emergency they can. Petition signed by 5 abutters in favor. Steve didn't think there was a hardship.

Seth made and seconded by Steve to Grant the petition as presented with the following condition:

1. Provide copy of driveway easement to the ZBA office.
2. Provide emergency turnaround on lot B.
3. Both lots to be serviced by municipal sewer.

Vote: Ackerman, Faria, Turner,Yes
Berube, Vieira.....No

Petition Denied

Case # 3660

Leite

58 Cohannet St.

For: A Variance from Section 440 attachment #3 of the Zoning Ordinance to allow 8 residential efficiency units on the 2nd & 3rd floors (instead of the allowed density of one unit) on a lot having 0.0415 acres resulting in a mixed use building (proposed hair salon on first floor) and a Special Permit from Section 440-503 of the Zoning Ordinance to allow the increase in height to the existing non-confirming building.

For the Petitioner: John DeSousa, NorthCounty Group, 4 Court St., Taunton, Ma.
Atty. John Zajac, 490 Winthrop St., Taunton, Ma.

In favor: None

Opposed: Dr. Robert Hannigan, 45 Cohannet St., Taunton, Ma.
Dr. Brian Aleo, 45 Cohannet St., Taunton, Ma.
Dr. Ted Shafer, 45 Cohannet St., Taunton, Ma.

Chairman Ackerman read letters from the City Planner, City Engineer, Conservation Commission, B.O.H., Water and Fire Dept. Atty. Zajac stated they are here tonight for a variance and special permit. They propose to fix the blighted building at 58 Cohannet St. Petitioner purchased the property last year and it is need of major work. They plan on adding 2 floors to the existing building and making 8 efficient apartments and a hair salon on the first floor which will be run by the petitioner's finance. The lot is small and the building takes up the entire lot. They have a few parking spaces in front of the building along the street. There is a public parking lot within 300 feet on Court Street. He stated they are doing what 15 Winthrop Street did which has 10 units. John D. stated the current building is located right along the street and they will keep the same shape and add a second and third floor. The current building is about 1,300 sq. ft. with 1 1/2 floors with a back portion having a crawl space. The roof has collapsed and walls needed re-framing so they did some work already to re-stabilize it. John D. stated there is a good portion of the foundation that is good and they will replace portion in front. The first floor has the old entrance which was hit by a car. The 2nd & 3rd floors will have 4 small efficiency apartments. John D. stated there is public parking lot about 275' feet away on Court St. John J. stated that bridge has been shut down for years and you cannot access it from that way. Chairman Ackerman stated where will the parking be? John D. stated there is 2 metered parking spaces in front and 2 across the street. Under the ordinance you need 1 parking space per unit. John D. stated the petitioner has reached out to the church about securing parking. Chairman Ackerman asked if they have anything in writing and John D. answers no. John J. pointed out you need to provide parking for the 8 units, hair salon and employees. He stated this proposal is absorb and cannot see this much at this location. He suggests scaling down and suggests maybe a hair salon with one or two units. John J. stated the other businesses need the metered parking spaces too. He stated the parking lot behind the Mexican restaurant is always used. Chairman Ackerman agrees they should continue to see if they can secure some parking but since there are abutters here tonight we will open public input. John D. stated the printing company never had any parking. Public Input: Dr. Robert Hannigan, co-owner of 45 Cohannet St. stated he's afraid the tenants and patrons will use their parking lot and he

is asking to be able to keep the natural barrier for landscaping purposes. Atty. Correira stated the fencing was part of the previous approval and she asked to have until September to put that up. John asked what kind of business is here and it was answered a residential construction company. John stated the landscaping in front is sparse and he asked what is the plan for that? Chris Moniz stated there will be shrubbery in front and a sign added to make it look appealing. He agrees in the winter it looks empty but during the spring, fall, and summer the existing natural barrier comes in nice. It was noted this has to go back for SPR with P.B. again. They are proposing a 4' x 8' elevated sign with lighting and landscaping. John thinks it needs a little more landscaping. Chairman Ackerman read dept. comments from the City Planner, Conservation Commission, B.O.H., Fire, and Water Dept. Public Input: No one in favor or opposed.

Steve made and seconded by Craig to Grant the petition as presented.

Vote: Ackerman, Berube, Faria, TurnerYes
JoyceNo
Petition Granted

Meeting adjourned at 8:12 PM