

MINUTES
ZONING BOARD OF APPEALS
February 23, 2023 at 6:00 PM
at 15 Summer St- City Hall

Members Present: Dennis Ackerman, Seth Turner, Craig Faria, John Joyce and George Moniz

Meeting opens at 6:03 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.

Case # 3559 – requesting 6-month extension – 3 Barnum Street
Motion made and seconded to grant 6-month extension.
Vote: Moniz, Turner, Faria, Turner, Ackerman....yes.
6-month extension granted.

Chairman Ackerman announced the proposal for the veteran’s housing on Plain Street is not happening tonight. They are waiting on the Sate for their approval letter. It should be scheduled within the next few months.

At this time Chairman Ackerman stated the zba members take calls from their constituents and are always willing to help out. We wait and hear what is presented and vote on what is presented. Everyone who comes before the Board is asking for something that is not allowed under the ordinance.

Chairman Ackerman had a moment of silence for former ZBA Member, former secretary to the mayor and former employee of SRPEDD Nancy Bumbaugh.

Case # 3708 **K & M Tattoo Studio Inc.,** **144 Coahannet St.**
For: A Special Permit from Section 440 Attachment #2 of the Zoning Ordinance to allow a Tattoo Parlor/Body Art Studio in an Office District in conjunction with the existing single family use .

For the Petitioner: Atty. Daniel deAbreau, 174 Dean St., Unit B, Taunton, Ma.
Ken Haris, K & M Tattoo Studio Inc., 369 Court St., Brockton, Ma
Shawn Murphy, K & M Tattoo Studio, Inc., 369 Court St., Brockton,
Ma.

In favor: None
Opposed: None

Atty. deAbreu states they are here tonight for a use variance to allow a tattoo body piercing establishment in an Office use with the existing single family use. The previous use was a medical office and the way the inside is set up with the waiting room is just what they need. The tattoo business will essentially operation the same as the medical office use. However under the zoning ordinance there is a separate category for tattoo/body piercing so we need a variance in this district. John asked how many chairs will they have? It was answered there are 7 rooms and they will have 4 chairs. John asked all 4 chairs will be utilized for tattoo and it was answered if we can. He asked about any piercing and it was indicated they have 1 chair for piercing. John pointed out there is a nice parking lot in back. He also pointed in they never received any police calls for any tattoo business. George asked if they need a dumpster? If they need one they will comply with B.O.H rules. Chairman Ackerman read dept. letters from the City Planner, Conservation Commission, City Engineer, B.O.H., Water and Fire dept. Public Input: No one in favor or opposed.

Motion made and seconded to grant with the following conditions:

1. Approved for 4 tattoo chairs
2. Approved for body piercing chair
3. Dumpster shall comply with B.O.H. requirements
4. Hours of Operation: 10 AM – 7 PM 7 days a week

Vote: Turner, Faria, Moniz, Joyce Ackerman....Yes
Petition granted.

Case # 3709 **MRH Holdings, LLC** **Willis Pond Rd. 45-1**
For: A Variance from Section 440 Attachment #3 of the Zoning Ordinance to allow a single family home on a lot having 32,236 sq. ft of dry area (instead of 43,560 sq .ft.)

For the Petitioner: Atty. Edmund Brennan, 174 Dean St., Unit B, Taunton, Ma.

In favor: None

Opposed: Paul Boivin, 60 Willis Pond Rd., Taunton, Ma.

Atty. Brennan stated they were here in November for a variance for dry area and he inadvertently put the incorrect dry area on the application but the plans showed the correct dry area. So he's here tonight to obtain the same approval showing the correct dry area. Chairman Ackerman read dept. comments from the City Planner, Conservation Commission, B.O.H., Water, City Engineer and Fire Dept. Public Input: Paul Boivin, 60 Willis Pond Rd. stated he owns property across the street and there is a discrepancy in that his piece of property disappeared. He stated it's a 20 foot strip along Willis Pond Rd. Atty. Brennan stated he's unfamiliar with his problem and he has no knowledge of this and the land was surveyed. This lot runs along Willis Pond Rd. Mr. Boivin stated his attorney is looking into it.

Motion made and seconded to grant as presented :

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

Case # 3712

Deep Pond Farm & Stable

123 Dolan Circle

For: A Variance from Section 440 Attachment #2 of the Zoning Ordinance to allow use variances for the existing farm to have a mobile, seasonal food truck for the sale of food, beverages and alcohol, as well as use variances for entertainment, service use to have outdoor events with up to 310 people, and retail for the sale of merchandise and accessories associated with the farm to be sold in the 880 sq. ft. barn or outside on a table nearby on premises situated at **123 Dolan Circle (Property I.D. 97-2) Taunton, Ma.**

For the Petitioner: Atty. Brianna Correira, 123 Broadway, Taunton, Ma.
George Ghazal, 98 Margaret Rd., E. Taunton, Ma.

In favor: Petition signed by 39 abutters in favor.
David & Michelle Littlefield, 192 Erin Rd., E. Taunton, Ma.
John McCaul, 2 Commonwealth Ave., Taunton, Ma.

Opposed: None

Atty. Correira stated they are here tonight for a use variance to allow a mobile food truck with flexibility to move around as the applicant has a hawkers and peddlers license. They are also asking for entertainment use, sales of alcohol beverages and retail associated with the farm. This property is in a residential district with 4 residential houses nearby but this barn is secluded in the rear of the property. The nearby streets are Margaret Road and Dolan Circle off Middleboro Avenue. Atty. Correira shows pictures of food truck of which the Board of Health was impressed with its cleanliness. The applicant wishes to offer a family friendly atmosphere with offering holiday events, birthday parties and weddings at this location. Atty. Correira states there is no such venue like this in Taunton but there is similar venues in Berkley and Rehoboth. She references Chamberlain Farm in Berkley and the one in Rehoboth. They have a pending license commission meeting scheduled in a few weeks for the liquor license and the will file for the SPR with Planning Board. Chairman Ackerman stated he visited the site at Christmas time and it was well attended. Chairman Ackerman asked George about the difficulty he had with selling Christmas trees and asked if he could explain that. George states after he ordered the trees he was told he could not sell the trees and he had to go through a lot hoops to obtain permission. Atty. Correira stated there was something in the zoning ordinance that says he could sell trees & Christmas wreaths under roadside stand. Chairman Ackerman asked if they didn't read the ordinance and Atty. Correira answers she doesn't know she says it might have been a misunderstanding. She stated he had to go through a lot of hoops for approval. Chairman Ackerman stated his barn is beautiful

and asked where did he get that wood to build barn? George answered they cut trees and used wood to build barn. Chairman Ackerman asked about what other issues he had with the lighting and utility company? George answers it was a large expense putting the electric to the site and he decided to go underground utilities. John stated the TMLP only brings the electric to your property line then it's up to you to bring in onto your property and you have a long driveway to the barn. George stated he had issues with the Conservation Commission as this property is in Natural Heritage and they had to hire a LSP and a biologist to be able to file with them. Chairman Ackerman stated he's registered as a farm and that the dept. head that did all this was totally inappropriate. Chairman Ackerman asked how much money he had to spend for all of this? George answers he spent about 3 times the amount. Chairman Ackerman said it's a shame you had to spend that much. Chairman Ackerman pointed out there a city officials here tonight and he says they should look at investigating those departments TMLP, Planning/Zoning Commission, Building Commission and Water dept. for what they put George through. Chairman Ackerman stated the City is supposed to be business friendly. Chairman Ackerman states this board is very business oriented and asked George what does he charge and he answers he doesn't charge anything. There are loads of people from all over that come to this site and it aggravates him of what George had to go through. Chairman Ackerman asked George how many children does he have and George answers 4. Chairman Ackerman asked if they work at the farm and George answers yes. Chairman Ackerman says the neighborhood kids probably work there too and George answers yes. Chairman Ackerman asked how was the Board of Health ? Atty. Correia stated they were very good and they will be inspecting the food truck once they get approval from here. Chairman Ackerman stated the Board of Health is usually good and that's one of the agencies he likes. Chairman Ackerman stated he was actually the one who found it in the ordinance and brought it to their attention. He stated he can't say what he told the dept. heads to do to allow this to happen. George M. stated he has never been to the site but says shame on those people who made you go through all that George M. it makes his sick to his stomach to hear what this applicant had to go through. John stated he took a ride out there today and saw the goats, animals and he has some serious concerns. He stated he has some questions that pertains to what they are here for tonight. He says the application states gathering of people up to 310 people so that would mean you need 155 parking spaces and the plans submitted do not show any parking spaces, it just shows parking area. There are not even any measurement on the parking area. Atty. Correia stated they are not asking for a parking waiver and they are here for the use. John stated the parking should have been on the plans. Atty. Correia stated they will be limited to whatever number they come up with. She asked for up to 310 people and it will be up to the Planning Board during the Site Plan Review to determine the number of parking spaces which will limit the number of people. John stated this is a huge omission and he's not very comfortable voting on this. He stated in the petition it clearly states up to 310 people for gathering. He also brought up the noise factor when you add music and this is a residential neighborhood. Atty. Correia stated the music will consist of small bands and instrumental. John refers to the Lafayette club and the issues they had with noise complaints. He pointed out the owners do work the police to address the problems. He pointed out the complaints come from a few streets away. They are well outside the 300 foot radius and those neighbors can hear the music. John

asked what type of conditions are they proposing for noise control and what are the hours of operation? Atty. Correira points out there are wetlands on the property which will act as sound barrier and they can consult with a sound person. Atty. Correira stated they don't have a bandstand and will most likely have vocalists, small bands, harmonica player. The hours of operation would be Friday 6-12, Saturday 4-12 and Sunday noon to 10 PM. Atty. Correira stated they had radio and music at Christmas time but was unaware they need approval for that. John points out the noise ordinance relative to residential district. The new noise ordinance adopted in Nov. 2021 says noise cannot exceed 40 decibels for a period of 2 hours in a residential district. Chairman Ackerman says they are a farm and exempt from noise ordinance. John states this is a Rural Residential District and what they are proposing is more than a farm and therefore are subject to the noise ordinance. Chairman Ackerman disagrees. John states because they are not proposing any building for events the noise will travel. John asked about emergency turnaround for fire truck. He stated letter from fire says you need 20 feet and it's not delineated on plans. He wants to see it approved but wants to address his concerns relative to parking and noise. George M. stated it's in the middle of the woods and the trees will act as buffer and noise won't be an issue in his opinion. He would support the proposal. Seth stated he went there at Christmas and it was beautiful and he thinks the parking requirement is a little excessive. He would support this proposal. Chairman Ackerman stated during the Site Plan Review process they will show parking spaces and he was down there at Christmas time and he couldn't hear any music until he actually got into the site. Chairman Ackerman read dept. comments from the City Planner, B.O.H., City Engineer, Water and Fire Dept. It was stated they put in a well. Public Input: John McCaul, 2 Commonwealth Ave. stated he had a chance to visit the site and it was a good time. He stated it's really needed in our community and he didn't think the noise/music was an issue. He stated the fire truck can go behind the barn. Michelle Littlefield, 192 Erin Rd., spoke about George as a loyal honorable man. He helped her with her dad and he is a good human and this has grown into something big and this will be an asset to the community. She stated the site is located far enough off Dolan Circle the noise won't be an issue. David Littlefield, 192 Erin Rd., also in support. He stated they used this site for a cookout for 30-40 people and George offered this to them free of charge. He stated the last few years the City has become more business friendly and this is a good opportunity for the community.

John made motion to approve with the following conditions:

1. All vehicles be contained on site.
2. Hours of operation for live entertainment (band & D.J only) Friday – Sunday till 10 PM. (noise ordinance) Weekdays live entertainment ends at 8 PM .
3. All lighting contained on property.
4. Emergency turnaround be approved by Police & Fire. (Capt. Bastis) John amended his motion to just include fire dept.

Chairman Ackerman stated he hopes the motion doesn't get a second. No second on motion.

George made motion, seconded by Seth to approve with the following conditions:

1. **Lighting must be contained on site.**
2. **Provide fire truck turnaround on site to be approved by Fire Dept. (Capt. Bastis)**
3. **Hours of Operation: Monday – Thursday 12 noon – 10 PM, Friday & Saturday - 12 noon to 12 midnight, Sunday 12 noon – 11 PM (excludes farm activities)**

Vote: Turner Faria, Moniz, Ackerman....Yes
Joyce.....No
Petition granted.

Case # 3713

Longhomes LLC

5 Albro Ave.

For: A Variance from Section 440 Attachment #3 and Section 440-602 of the Zoning Ordinance to allow the voluntary demolition of the existing home due to an unsalvageable foundation and structural damage and to allow the construction of a 3 family dwelling with 3 stories (instead of 2.5) on a pre-existing non-conforming lot having 7,190 s. f. of lot area and dry area (instead of 10,000 s.f. lot area & 8,000 s.f. dry area) 64 ft. of frontage and lot width (instead of 75 ft. each) 7.2 ft. front setback (instead of 25') and 7.4 ft. side setback (instead of 15') in the Urban Residential District.

For the Petitioner: Atty. Brianna Correia, 123 Broadway, Taunton, Ma.
 Venket Holi, Architect

In favor: Mike Maye, 150 Bay St., Taunton, Ma.
 Opposed: Mary Levesque, 30 Hopewell St., Taunton, Ma.

Atty. Correia stated they are here for the demo of the existing 2 family dwelling and they want to replace it with a 3 family 3 story dwelling. She showed photos of the house and unfortunately it's beyond repair and they need to take the entire building down. They received building permit to renovate but after an on-site inspection it was determined it was too far gone to save. Their proposal is to replace the existing 2 family house with a 3 family 3 story house but will be a little more conforming that what is was. They went to the historic district commission for approval since the house is on the national register. They tried to avoid taking the entire building down but unfortunately it was beyond repair. They are proposing a 3 story 3 family. They will be moving the house to bring it more into compliance. The existing house is a 3 bedroom and the proposal if for a 2 bedroom on first floor and upper floors will have 3 bedroom units. George asks about the parking and he thinks it's going to be a problem, it's tight. He also suggests building a duplex style house with the 3rd unit on top. He points out the new building is longer, if you shortened you can add bigger parking area. Chairman Ackerman read dept. letters from Water, City Planner, Conservation, Engineer, B.O.H and Fire dept. Letter from Mary Levesque, 30 Hopewell St. opposed to the proposal, in favor of a duplex only. Public Input: Mike Maye, 150 Bay St. He lives on the corner of Albro Ave & Bay Street. He's in favor but is concerned about his fence that is close to the

property line and if it gets damaged while they construct house. The Board stated they could put condition if they damage during construction they must fix it.

Motion made and seconded to grant with the following conditions:

1. Any damage to the fence owned by 150 Bay St. during construction must be fixed by owner/petitioner
2. Re-configure/enlarge parking area to make is more accessible for 6 parking spaces

**Vote: Turner, Faria, Moniz, Joyce, Ackerman....Yes
Petition granted.**

Case # 3711

Strojny

391 Winthrop St

For: A Variance from Section 440-706 (F) of the Zoning Ordinance to allow the 8' x 8' (64 sq. ft.) sign (instead of the allowed 28 sq. ft.)

For the Petitioner: Atty. Mchael Strojny, 277 Winthrop St. Taunton, Ma.
Nicholas Dbaib, 391 Winthrop St, Mgr. Taunton, Ma.

In favor: None

Opposed: None

Atty. Strojny stated this property is next to Taunton Rental and they are here tonight for a sign variance. John asked who the owner is because he was under the impression that the people involved with Planet Petroleum was part of this? Atty. Strojny answers he's the owner and his son and Nick run the business. Planet Petroleum has no interest in this. Atty. Strojny stated they has SPR with P.B. and some outstanding issues. One being the berm between the two properties and the landscaping. He stated the conservation commission was worried about contamination. Atty. Strojny stated the State DOT took the tree out when they removed the guard rail. He purchased more trees but will wait to put sign up and then re-plant. He stated his engineer interpreted the sign ordinance different than the City. The angle of the building is the issue. The calculated the entire building and the way the ordinance reads is it's the frontage of the building along street. So they are here tonight for a variance to have a bigger sign that what is allowed. They received a 6 month extension on their class 2 license with Council. They will go back in June and hopefully they will get all the plantings in by April. They have to go in front of the Conservation Commission for the installation of the sign. Chairman Ackerman read dept. letters from City Planner, Conservation, Engineer, B.O.H., Water and Fire Dept. Chairman Ackerman stated the City made a determination and they could have appealed that. He thinks during the SPR process the planner and building inspector should have picked it up because it was on the plans. John asked how far is the sign going to be from the street because he was concerned with site distance. Chairman Ackerman stated he

suggests working with the City Engineer on the drainage to try and alleviate a lot of the problems. He knows a lot of the neighborhood is worried about drainage. It was asked why you came here first and not the Planning Board? John D. answers he came here first to allow flexibility on roadway. Chairman Ackerman stated they should resolve the water issue first and he would be receptive to the proposal. John D. stated Brookside Avenue has never been updated and the drainage is bad. John D. stated they are helping the City by putting road in which will benefit the neighbors. George states there are about a dozen of neighbors who will be affected. He stated he got phone calls and all had concerns about the existing drainage problem. John D. approached the City on another road, but similar to this issue and informed them of what they can do and it fell on deaf ears. If the City listens to him it would have helped the drainage. That system he suggested will be used in this project and it's called a curtain drainage which is a 2 foot wide trench and filled with stone perforated pipe. This will help lower the drainage problems. They will put it just off the roadway and if needs repairing you don't have to rip up pipes. He stated it won't relieve all issues but it will help with most of it. John asked about the drain? John D. stated it will be in road and exit to open basin and routed to stormwater system. John D. stated he has to certify when constructed and it's witness when constructed. George asked if this will help neighbors and John D. says yes. He will need easement from neighbors and have to survey. They can't be expected to cross the property line but then can work with them. Public Input: Regina Brown, 32 Liberty St stated they will be adding 12 families to the neighborhood. She has pump in her basement. She showed pics of flooding and is concerned this will add to it. Her pump runs for week when it rains. She said they used to skate and canoe in all the water. George asked when were the pics taken and she answers about 6 years ago. She had more recent one on phone but didn't get a chance to print them. She stated the City put berm in on Caswell Street to try to alleviate the water in her driveway. She asked how many bedrooms for each unit and John D. answers 3 bedrooms. Lisa LaBelle, 5 Brookside Ave. has an existing duplex which is considered pre-existing non-conforming because it was before the zoning rules. She spoke to the City Engineer and has concerns about the existing drainage problem. She has 2 pumps running 24 hrs. 7 days a week. She just spent \$4,800 for battery backup. Chairman Ackerman stated they have to prove to the City Engineer that they won't be adding any more water than what is there now. She pointed out the old subdivision was approved in 2002 by P.B. and is only good for 8 years so they need to go back for approval. She has been in contact with owner about his proposal. She stated during her job as an assessor they just had 52 duplex splits and she doesn't think there is a need for this type of housing. She pointed out the Martin School is over capacity and this will be adding to the overcrowding of classrooms. They will need more classrooms. George stated we have a tough decision to make. They need to go to P.B. for subdivision approval along with Roadway Improvement Plan for Brookside Ave. and would have thought they would have gone there first. John J. asked about the potholes on O'Connor St. and the poor narrow condition of the street. John D. stated they will be re-surfacing a small portion and maybe the city can widen? Lisa stated this proposal will change the neighborhood. Opposed Greg Rico, 17 Liberty St., also has issues with the water and environmental concerns. Richmond Pond runs into 3 small rivers and is part of the Taunton Rivershed. He stated he hikes through the property and he has seen spotted turtles and endangered species. He stated all the wildlife is gone and

he has seen the water filled with silt. When the river gets high the pond goes over. He stated the curtain drain is a fancy name for a French drain and they don't really work. He stated there is flooding on Liberty Street which runs into Richmond Pond. He is 4 houses away from O'Connor Street. He stated there is no good basin there and the street is very narrow and this proposal will add to the problem. Bill Hicks, 26 Liberty St also opposed. They have flash floods and water getting struck in his yard. How is he curtain drain going to fix it? He stated water is sitting in his yard and after this it will be worse. John J. suggests working with the neighbors to address their concerns. Chairman Ackerman again states the City Engineer has to approve the drainage. He asked what is the width of subdivision road? John D. answers 50 feet wide layout and Brookside is 40 feet wide which is enough room for improvements. John J. suggests working with the 2 closest neighbors with the curtain drain. If they are willing to provide easement. John D. stated they will be putting a 24 foot wide roadway, sidewalk, drainage, curtain drain and water quality control which exceeds the TSS removal 80% (they are will be closer to 90%) . John D stated it's mandated by DPW to leave sewer stubs for abutters who they pass. It is up to them if they want to tie in. John J. again suggesting working with any abutters along the route the drain is going in and if given permission install drain to help them

Motion made and seconded to grant with the following condition:

1. Work with the all neighbors along the route where the proposed curtain drain is going and with owner's permission install curtain drain to help alleviate the flooding problems

**Vote: Turner, Faria, Moniz, Joyce Ackerman....Yes
Petition granted.**

George Moniz excused at 9:23 PM

Case # 3710

McCaffrey

81 Cotley St.

For: A Variance from Section 440 Attachment #3 of the Zoning Ordinance to allow the division of one lot into two lots and to allow a single family home on a lot A having 43,568 sq. ft. of lot area (instead of 60,000 sq. ft.)

For the Petitioner: Atty .Edmund Brennan, 174 Dean St., Unit B, Taunton, Ma.
William McCaffrey, 81 Cotley St., E. Taunton, Ma.

In favor: Dorothy Peirce, 155 Cotley St., E. Taunton, Ma.

Opposed: John Norton, 80 Cotley St, E.Taunton, Ma.

Atty. Brennan stated they are here tonight to split one lot into two lots. Presently the lot size is 104,00 sq. ft. and they are a little short of a lot area. The area is zoned Rural Residential and the requirements is 60,000 sq. ft. with 43,560 sq. ft. of dry area. The

existing lot with house complies but the new lot is a little smaller. The property has been in the family for over 30 years and Thelma McCaffrey went to a nursing home and now they want to sell off lot. They will sell new lot and free up some money to remodel the existing house. Chairman Ackerman asked what the hardship was and Atty. Brennan answers the shape of the lot in that it has 9 difference courses. It lends itself to 2 house lots. The new lot will conform to frontage and setback requirements but needs variance for lot area. Chairman Ackerman as this time informed them there are only 4 voting members and they can continue tonight or can continue to next month for 5 voting members. Atty. Brennan stated they will move forward tonight with 4 voting members. Public Input: Dorothy Peirce, 155 Cotley St, is in favor but asks the Board to put restriction that it can only be a single family and or single with an accessory dwelling. The Board can put some kind of condition to reflect that. Opposed: John Norton, 80 Cotley St. lives across the street. There is no drainage and he asked the Board to maintain the existing zoning. Chairman Ackerman informed Mr. Norton that under the State they can put affordable housing (40B) in here and there is nothing we can do. Mr. Norton asked Chairman Ackerman is he had already talked with the attorney on this? Chairman Ackerman stated he was just saying more could go in here that what they are proposing. Mr. Norton asked then why do we have zoning rules and he asked what is the hardship? Chairman Ackerman stated the shape of the land. John explained the 40B rules and if anyone chooses to do that it takes many powers away from the Board but we try and negotiate the best project for the City. Chairman Ackerman stated if denied they could come back as a 40B and get more houses in. Mr. Norton stated the lot is too small and all the other land he owns is conservation land.

Motion made and seconded to grant with the following conditions:

1. Single family dwelling only on this lot with the ONLY exception be for an approval for an accessory dwelling unit is sought.
2. New lot to be serviced by municipal water.

Vote: Turner, Faria, Joyce Ackerman....Yes
Petition granted.

Case # 3714

Thompson & Sons Dev .LLC

76 Plain St.

For: A Variance from Section 440 Attachment #3 of the Zoning Ordinance to allow the division of one lot into two lots with Lot 2 containing 9,301 s. f. (instead of 10,000 s. f.) and a proposed single family dwelling and Lot 1 having the existing multi-family dwelling to remain.

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

In favor: None

Opposed: Christin Smith, 41 Hart Ave., Taunton, Ma.
Holly Julio, 6 Hart Ave, Taunton, Ma.

Chairman Ackerman read dept. letters from City Planner, Conservation Commission, B.O.H., Fire, and Water Dept. Chairman Ackerman announced there are only 4 members sitting on this case and gave the applicant the option to continue to next month for 5 voting members. He did say since there are abutters here he would like to hear their concerns. Atty. deAbreau did choose to continue to next month but will hear from abutters. Public Input: Holly Julio, 6 Hart St, stated she has lived on Hart Ave .for 27 years and hers is last house on the street at that time. There was nothing on the left side of the street and then 2 houses were built. Now they have more water since the development. Opposed: Christin Smith, 41 Hart Ave. stated this is small dead end street with no turnaround. Her concern is all the houses that have backyard that abut Hart Avenue will be proposing the same. Her concerns is the added traffic. The street is not designed for this many houses. There are no sidewalks, berms and now it's a nice quiet dead end street. The street is caving in and the lot is not even conforming. Chairman Ackerman states that is why they are here because the lot is not conforming. John stated it looks like there are 12 houses on the street and he says the plans submitted shows a 25 wide driveway and they propose a garage too. She stated in 2016 Mr. Smith went before the board and swap some land between him and his sister to make his lot bigger for house. She stated now we are here again for another house. There is only 1 fire hydrants and no gas on street. She stated this property was in foreclosure and they have cleaned it so it looks good now. For 18 years she has had a pond in her backyard She has a raised ranch and her driveway is raised up. The sewer holes are caving in. She had to add to her driveway because of the numbers of drivers in her household. She asked what the hardship was ? Atty. deAbreu answers the shape of the lot and it has frontage on 2 streets.

Atty. deAbreau request a continuance to next month.

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

Vote: Turner, Faria, Ackerman, Joyce....Yes

Petition continued to March 23, 2023

Chairman Ackerman stated John will still sit on this case and ask the law dept. who determines who votes next month. There will be 2 voting members (assuming Wayne & Steve are in attendance) and one of the can vote on this assuming they review the tape and minutes to familiarize with the case.

726 Dighton Avenue – Case #3504 & #3582 – request to discuss compliance with conditions

Atty. Brennan stated the Board approved this lot in 2021 with several conditions. They have done extensive work including bringing in fill, loamed and seeded he site. They planted a row of arborvitae but has since died so they will be replaced. The neighbors

William & Alison Rounds filed a complaint with the Bldg. dept. relative to the conditions and they should not issue a cert. of occupancy for the lot until all conditions are met. Atty. Brennan submitted documentation from the landscaping company showing the work performed to get rid of the bamboo. Chairman Ackerman said he talked to the City Planner and if the Board feels enough was done to satisfy the condition then they could relay that to him and then a temp. cert. of occupancy can be issued subject to arborvitaes being done. Then the abutters has a right to go to court. Seth asked if this was holding up the Certificate of Occupancy Permit and it was answered yes. Atty. Brennan stated Atty. Rounds will challenge temp. cert. of occupancy. John would have liked to have seen Atty. Rounds here tonight.

3 members (Faria, Ackerman, Turner) out of 4 members indicated sufficient effort was made to remove the bamboo.

Meeting adjourned at 10:23 PM

