

**MINUTES**  
**ZONING BOARD OF APPEALS**  
**April 27, 2023 at 6:00 PM**  
at 15 Summer St- City Hall

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

Meeting opens at 6:04 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 # 3568                      Semedo    5 Purchase St**  
For: A Special Permit from Section 440-502 of the Zoning Ordinance for the extension of a non-conforming structure by allowing a roof over the existing deck having an 1.8' sideline setback.

For the Petitioner: Jose & Nelida Semedo, 5 Purchase St., Taunton, Ma.

In favor: None  
Opposed: None

Chairman Ackerman stated they continued this from last year to see if there were any police report for noise. He reported there were NO police reports. Wayne asked if they needed a building permit and it was answered yes. George stated he has gone by and he has never heard any noise and see anything wrong. Public Input: No one in favor or opposed.

**Motion made and seconded to grant as presented:**

**Vote: Ackerman, Faria, Berube, Turner, Vieira.....Yes**

**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 Atty. Brianna Correia requesting to withdraw without prejudice. She also requested the Board to possibly refund the filing fee since there was no public hearing. They are proceeding and going to the Municipal Council for approval. She was asking for a 50% refund of filing fees. Chairman Ackerman suggested she put her request in writing and submit next month. He has been working with the Law Dept. relative to

waiver and refunds of filing fees procedure. John asked why are we wait because this Board has waived fees before? Chairman Ackerman stated he met with Law Dept. and they are working on something to be put into the Rules & Regs. Chairman Ackerman suggests continuing this case to next month and they can act on everything, the request to withdraw and refund.

**Steve made motion to continue to next month, seconded by Wayne. All in favor.**

**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 deAbreu, 174 Dean St., Unit B, Taunton, Ma.

In favor: None  
Opposed: None

Atty. Brennan stated they continued from last month to have 5 voting members. Wayne & Steve have reviewed tape and minutes so they can vote on case. Atty. deAbreu stated they are here tonight to divide one lot into two lots with one lot having 9,301 sq. ft. instead of 10,000 sq. ft. The other lot will be a conforming lot with an existing multi-family dwelling on it. Dennis asked what is the hardship? Atty. deAbreu stated the shape of the lot and having frontage have two streets. He stated the lot is unable to be developed with zoning relief. Chairman Ackerman doesn't think there is a hardship. The lot is perfectly square. It has no wetlands, not an irregular shape. Chairman Ackerman stated they have many lots that have frontage on two streets. Wayne agrees there is no hardship. Atty. deAbreu state they are only short about 700 sq. ft. and they are only proposing a single family house. George stated thee are duplexes a few door down and some are single families too. John pointed out this is not the first one on Hart Ave. that has come before us. He is curious what is the hardship? Atty. deAbreu states the shape of the lot and frontage on 2 street. John pointed out there is at least one or more houses on Hart Ave. that did this. Wayne asked John what house numbers and does he know if they received zoning approval? John answers it looks like 82 and 68 Hart Avenue. Chairman Ackerman stated it's up to the presented to bring evidence before the Board. Chairman Ackerman stated he was vocal last month about his vote. Steve stated even though there might have been zoning approval for other lots in the area, we take each case on its own. George remembers one house on Hart St. that came before this board. Public input: No one in favor or opposed.

Motion made and seconded to grant as Presented  
**Vote: Turner, Faria, Ackerman, Berube, Vieira.....NO**  
**Petition Denied**

**Case # 3718**

**Burton**

**74 Cortland Place**

For: A Variance from Section 440-1401 (C) (2) (b) of the Zoning Ordinance to allow a proposed 28' x 32' garage with a 16' x 6' breezeway having 22 feet (instead of 35 feet) between the existing house in a Cluster Development.

For the Petitioner: Brad Fitzgerald, SFG Associates, 28 Main St., Lakeville, Ma.  
Michael Gomes, 540 Staples St., E. Taunton, Ma.

In Favor: None  
Opposed: None

Brad states this property is in a cluster development which means they need to have 35 feet between dwellings as opposed to setback to the property line. They are proposing a small breezeway and garage which will be 22 feet from the net house on the adjacent lot. Brad stated the hardship is the location of the fire place, above ground pool and wetlands which restricts where the addition can go. Steve asked how close is it to the property line? Brad stated about 5-7 feet. The second floor of the garage will be unfinished for storage. Letters from the Conservation Commission, City Planner, Fire Dept., B.O.H., Water and Engineer were read into the record. Public Input: No one in favor or opposed.

Motion made and seconded to grant as presented:

**Vote: Turner, Faria, Ackerman, Berube, ....Yes**  
**Vieira.....No**  
**Petition Granted**

**Case # 3719**

**Aurelio**

**18 Short St**

For: A Variance from Section 440 Attachment #3 of the Zoning Ordinance to allow a proposed 23'6" x 16' leanto addition to the existing garage having a 7'3" side setback (instead of 25 feet) **on premises situated at 18 Short St., Taunton, Ma.**

For the Petitioner: Nicholas & Jenna Aurelio, 18 Short St., Taunton, Ma.  
Rich Perry, 12 George St., Attleboro, Ma.

In favor: Paul Lynch, 22 Short S., Taunton, Ma.

Opposed: John & Sylvia Medeiros, 14 Short St., Taunton, Ma.  
Atty. John Skuchak representing Charles Salley, 23 Short St., Taunton, Ma.  
Mike & Diana Phillips, 6 Short St, Taunton, Ma.

Chairman Ackerman stated he has driven by this property and it looks like it's a business and asked the petitioner if he was running a business? Nick answers no he has antiques cars and he does re-build cars so he has some cars on the property for parts. He is

looking to extend the garage to be able to store some of the antiques cars inside. His insurance company requires them to have the antiques vehicles inside. He is a mechanic and some of his own vehicles are on the property. Chairman Ackerman stated there are several unregistered vehicles and you are only allowed one. Nick stated he has 2 jeeps for parts, 2 jeeps of his own, Nick stated he has his friends car in the yard because he moved way but he can get rid of that and put it at Arthur's Junk yard. Chairman Ackerman stated he made it a point to go by a few times and he keeps notices more cars on the property. There were a few in front of the garage, vehicles in back and if you go onto Google Earth you can see the pictures with cars. He stated the picture shows more cars each year. Nick stated he is not here for a junkyard, he is here for an addition to this garage. Chairman Ackerman said the property looks like a junkyard. In 2014 you received approval and now 9 years later a lot has changed. Letters from the Conservation Commission, City Planner, Fire Dept., B.O.H., Water and Engineer were read into the record. Public Input: John Medeiros, 14 Short St. he lives right next door and he asked why is it a necessity to have a leanto? In 2014 they stated they needed garage for their hobby vehicles and now he wants to add on. He has lived there for 63 years and it's a residential area and he stated there are an awful lot of vehicles on the property and the garage is open at night. He is opposed. Atty. John Scurjack representing the Sally Family, 24 Short Street. There are vehicles in front of barn, and the truck on the north side is about 2 feet from barn which is on neighbor's property. He doesn't think the vehicle are registered either. He stated 2 weeks ago there were 6 vehicles parallel to the building and along the barn/garage, and 5-6 vehicles in front. There were about 12 vehicles on site. He stated there is a car trailer on site which is against the zoning regulations. He stated you are allowed to have a utility trailer but the car trailer exceeds that size. Today there were 3 vehicles along the right side and it appears they ae over the property line. On the south side there were -2-3 vehicles in the back. He submitted pictures to the Board showing 9 vehicles in back. He pointed out on the site plan they submitted it doesn't identity parking area, paved area, dimensions, etc. He pointed out the shed on the corner on their property is not accurate. Atty. Scurjack pointed out on the plans showing the garage being 18' and the request is for 16'. He asked the Board they should deny and ask for a plan you can trust. He pointed out there are at least 12 additional vehicles on site and they caused this problem. Opposed: Diane Phillips, 6 Short St., Charlies Salley, 23 Short St. stated they have had junk cars on the property for years. Sylvia Medeiros, 14 Short St., and Mike Phillips, 6 Short St. Paul Lynch, 22 Short St. is in favor, he lives directly next door. Steve stated this Bord doesn't enforce zoning but in 2014 when you were here before there was no opposition. Nick stated he needs this to insure his vehicles. He states some vehicles are for sale and will be leaving. The black jetta is a friends and it will be picked up. The trans Am he has owned for years. The 4 jeeps are for parts. Nick stated they are trying to clean up the property and he stated he does not run a business. He offered to move vehicles so neighbors can't see. Wayne asked how many vehicles are there now and Nick answered about 9 or 10. George asked about the antique vehicles. He has trans am and SS pick up and they need to be in building. Chairman Ackerman in all honesty you knew what you were doing. He is going to refer this to the Building Dept. for enforcement. He stated since 2014 a lot has changed with an excessive amount of vehicles and neighbors in opposition.

John asked what is the hardship? Nick stated he need to put insurance on vehicle so he needs this addition. John stated he is creating his own hardship in having that many vehicles. John stated you are using your property for your personal junk yard. He suggests finding a commercial location. Mr. Perry asked if we can reduce the number of vehicles would the neighbors and board be satisfied? It was noted there are a lot of abutters in opposition. Nick stated the neighbor who hired an attorney approached him to sell him a vehicle. George stated it sounds like you were being deceitful and he suggests putting the cars in the garage. Nick stated some are in there.

Motion made and seconded to grant as presented:

**Vote: Vieira, Turner, Faria, Ackerman, Berube .....No  
Petition Denied**

**Case # 3722 T.N.L.Home Improvement LLC 79 ½ W. Britannia St(46-78).**  
For: A Variance from Section 440 Attachment #3 and a Special Permit from Section 440 Attachment #1 of the Zoning Ordinance to allow 8 residential units (2 existing, 6 proposed) on a parcel having 37,481 sq. ft. of area & dry area (instead of 43,560 sq .ft. of area & dry area) and having 25 feet of frontage (instead of 100 ft.) with a proposed easement for access on premises situated at 79 ½ West Britannia St (a.k.a parcel 46-78)

For the Petitioner: Atty. Brianna Correira, 123 Broadway, Taunton, Ma.  
Tracy Duarte, P.E., MBL Land Dev.,5 Bristol Dr. Ste. 3A, So.Easton, Ma.

In Favor: None  
Opposed: None

Atty. Correira stated they are requesting a 2 month continuance after receiving some feedback about utilities. She will submit letter for continuance and waive the time frame on which to act on the proposal. She stated she would answer questions if any abutters are here tonight. Public Input: Cynthia Hathaway, 13 Cottage St. stated she's not opposed just curious of what is being done.

Motion made and seconded to grant continue to June 22<sup>nd</sup>, subject to letter submitted waiving time frame on which to act.

**Vote: Turner, Faria, Ackerman, Berube, Vieira .....Yes  
Petition continued to June 22<sup>nd</sup> meeting.**

**Case # 3712-Mod. Deep Pond Farm & Stable 123 Dolan Circle**  
For: A Modification of Case # 3712 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/ **Modify Condition #3 – to change of hours of operation as follows: Monday through Thursday, 10AM to 10 PM (instead of 12 noon to 10 PM), Friday 10 AM to 12 midnight (instead of 12 noon to 12 midnight) Saturday 9AM to 12 midnight (instead of 12 noon to 12 midnight) and Sunday 9AM to 11 PM (instead of 12 noon to 11 PM ) excluding farm activities.**

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

In Favor: None  
Opposed: None

Atty. Correira stated they are here tonight to modify condition #3 which are the hours of operation. They want to open a little earlier so they can scheduled event in the mornings. They have gone before the license commission for the entertainment & alcohol licenses. The entertainment is same hours as what they are asking for tonight. George asked if they were going to alcohol in the morning? Atty. Correira answers no, the hours for alcohol are separate than the entertainment. Per the rules you are required to be open for business during the hours listed on our liquor license. They have restricted that to later in the day. Letters from the City Planner, Conservation Commission, Water Dept., Fire Dept., Eng. and B.O.H. were read into the record. Public Input: no one in favor or opposed.

Motion made and seconded to grant as presented:

**Hours of operations: Monday through Thursday 10AM to 10 PM, Friday 10AM to 12 midnight Saturday 9AM to 12 midnight and Sunday 9AM to 11 PM (excluding farm activities**

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

George Moniz excused at 7:33 PM

**Case # 3721 SubZero Prop Mgt.LLC 94 Tremont St.**  
For: A modification of a Special Permit from Section 440 -503 of the Zoning Ordinance for a 3 family use in conjunction with the existing approved office use and storage-

vehicle parking for SubZero Heating & Air Conditioning (Case# 3540) in an Urban Residential District.

For the Petitioner: Atty. Brianna Correia, 123 Broadway, Taunton, Ma.  
Richard Reid, Lighthouse Land Surveying LLC, 27 Jefferson St.,  
Taunton, Ma.

In favor: Petition signed by 13 abutters.  
Opposed: Jose Ventura, 92 Tremont St, Taunton, Ma.

Atty. Correia stated they are here tonight for a 3 family use in conjunction with the existing commercial uses. The petitioner was here in 2020 and at the time was approved and then came back in 2021 for a similar request to add residential with the existing commercial uses. The petition was denied and the petitioner heard the board’s concerns relative to not having any greenspace. He has worked with his engineer and this proposal has provided some green space and the property will no longer be a cut-thru. This new proposal has a separate entrance off Tremont Street for the residential use and the commercial use will be access from Locust Street. They kept the green/grass area from the street. The existing business, SubZero Heating has minimum activity with employees come to pick up jobs and leaving. Atty. Correia submitted petition signed by abutters in favor. Chairman Ackerman stated the main concern last proposal was safety and he likes the new proposal. He asked how many bedrooms are they proposing? Atty. Correia answers 2 bedrooms, 3 bedrooms last time. Wayne asked if this was the old Hub Cap King site and it was answered yes. Public Input: Jose Ventura, 92 Tremont St., stated the driveway is his and the petitioner ripped it up and re-paved it. Atty. Correia stated they have easement for parking which is recorded. Her client did recently pave the driveway and parking area and under the easement he is allowed to do that. The property is owned by 92 Tremont St. but 94 Tremont St .has the right to use it for parking. The easement was granted by the previous owners. It was stated there is a timber fence between the properties. John suggested they could put up fence along 92 Tremont St. and the petitioner has no issues with putting up fence. Letters from the Conservation Commission, City Planner, Fire Dept. ,B.O.H., Water and Engineer were read into the record.

Motion made and seconded to grant with the following condition:  
1 Put up fence along 92 Tremont St. property line.

**Vote: Turner, Ackerman, Berube, ....Yes**  
**Vieira, Faria, .....No**  
**Petition Denied**

**Other Business:**

Chairman Ackerman sated he would ask the board to schedule a public hearing on changing the Rules & Regs. Regarding waiver of fees. He has been working with the Law Dept.

Steve made motion to have public hearing in May on proposed waiver & permit fees changes. Seconded by Wayne. All in favor.

**Meeting adjourned at 7:50 PM**