

**MINUTES**  
**ZONING BOARD OF APPEALS**  
**April 28, 2022 at 6:00 PM**  
at 15 Summer St- City Hall

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

Meeting opens at 6:01 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 March 24, 2022 seconded by Craig. All in favor.**

**Request for a 6-month extension for Case # 3588 – 461 Middleboro Avenue – Motion made and seconded to grant 6-month extension. Vote: Ackerman, Vieira, Berube, Faria, Turner. Yes 6-month extension granted.**

**Cont'd. Case # 3568                      Semedo    5 Purchase St.**  
For: A Special Permit from Section 440-502 f 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

It was reported there has been police issues. Chairman Ackerman spoke with next door neighbor and there have been no issues. George hasn't heard of any issues. In favor: or opposed: No one in favor or opposed. It was noted if approved they would need to get a building permit. It was suggested inviting them back in one year to see if there are any issues. The petitioners agree to waive & extend the time frame on which to act on this proposal.

**Motion made and seconded to continue for one year. Vote: Ackerman, Berube, Vieira, Turner, Faria.....yes. Petition continued to April 2023.**

Minutes of Case # 3664  
Parcel I.D. 35-124 & 35-82

Camara

57B Worcester St.

For: A Variance from Section 440-602 and 440 attachment # 3 of the Zoning Ordinance for the division of two lots into three lots with lots 1 & 2 having 62.5' of frontage & lot width (instead of 150' frontage & 100' lot width). Lot 1 having a shape factor of 50.04 (instead of 35) and Lot 3 with an existing home having 39,120 sq. ft. of lot area & dry area (instead of 60,000 sq. ft. lot area & 43,560 sq. ft. dry area)

For the Petitioner: Atty. Brianna Correia, 123 Broadway, Taunton, Ma.  
Josh Borden, Arthur Borden & Associates, 305 Broadway, Taunton,  
Ma.

Cassandra Camara, 57B Worcester St., Taunton, Ma.  
Peter & Laurinda Camara, 57 B Worcester St., Taunton, Ma.

In favor None

Opposed; Jonathan McGann, 94 Indian Trail, Taunton, Ma.  
Nicole Fortier, 69 Worcester St., Taunton, Ma.  
Beth Faulkner, 65 Worcester St., Taunton, Ma.

Atty. Correia stated they now have plans showing the wetlands. She stated one parcel is owned by the petitioner's son Matthew who is not here tonight. In 1985 the petitioner Peter was granted a variance to build his house with no frontage but having access via a R.O.W. (See case # 1226) Atty. Correia stated their initial filing required a shape factor variance and frontage. The property is landlocked and the R.O.W. is used by the other parcel. They have 3.08 acres and they had a Form A done in 1977 which was zoned Suburban Residential and now it's zoned Rural Residential. There is a 16 foot drop in elevation. They have revised the plans per the Conservation Agents' letter. Josh stated neither the City's On-line GIS or the State GIS indicated there was wetlands out there. He stated 94 Indian Trail has some drainage area and the drainage overflowed into Worcester Street. He stated the proposed Lot 1 might not be buildable so they created another option. They showed new plans and stated they would need to continue to re-advertise. Lot 2 is larger with the same amount of frontage. Lot 1 need an access easement and the new proposal will allow daughter to live close by. Chairman Ackerman stated the new proposal is not any better and he went out there and saw the wetlands. He stated you are putting house right next to the wetland and where the drainage issues are. Josh stated Indian Trail has 15 houses and they are only proposing one new lot. Chairman Ackerman suggests putting no cut zone or fence. He came right out and said he would be a no vote because it's too close to wetland Wayne stated they received a variance for the original lot and now they are creating their hardship. He went out and saw slope and wetlands and he only would like to see one house off Worcester Street in line with all the others and forget about Lot 1 and Lot 2. This proposal is not reasonable given the neighbors and their concerns. Chairman Ackerman read dept. letters from the City Planner, Conservation Commission, B.O.H., Fire, Water and B.O.H. Public Input: Nicole Fortier, 69 Worcester Street opposed. Beth Faulkner, 65 Worcester Street submitted petition signed by abutters Opposed. She stated what they are proposing is too



In favor: None

The property is on the corner of Winthrop St. & Luscomb Road. The plan is to remove the existing garage and re-build it and adding 5 feet to it. They will keep the same angle as the existing garage. Dennis asked what size is the existing garage and John answers 24' x 30 but the plans showed 28' x 22. The new garage will be 30' x 40 George stated the new garage will be an improvement. John stated the hardship if he had to move it to meet setback the driveway would need to be removed. John stated there are trees behind the garage and the garage is unsafe. Steve said so you are generally putting in the same place just bigger and John answers yes. Craig has no issue. Public Input: no one in favor or opposed. Letters from the City Planner, Water, Conservation Commission, Engineer and B.O.H. were read into the record. John stated he came in late and he is showing a survey plan. It was noted there will need to be a survey plan for the building permit process.

**Motion made and seconded to Grant as presented**

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

**Petition Granted**

**Case # 3667**

**Barchard**

**120 Christine Lane**

For: A Variance from Section 440-704 of the Zoning Ordinance to allow a commercial vehicle in excess of 7,000 lbs. to be parked in a residential zone.

For the Petitioner: Atty. Anthony Alessi, Esq., 475 Furnace St., Marshfield, Ma.  
Joel Barchard, 120 Christine Lane, Taunton, Ma.

Opposed: Stephen & Grace Krockta, 108 Christine Lane, Taunton, Ma  
Gerard & Heather Boehme, III, 78 Christine Lane, Taunton, Ma.  
Petition signed by 17 abutters opposed

In favor: None

Atty. Alessi states his client is a 55 years old, father of 4 and purchased the property in December 2021. Previous to Taunton he resided in Easton. He works for Triple AAA and the issue tonight is that he wants to be able to bring one vehicle home so when he is called out the tow truck is readily available. He has his business since 1999 and he has a yard in Whitman that he stores his vehicles. At night when he comes home he wants to be able to have his tow truck with him. Atty. Alessi stated the hardship is that he is a first responder and having the vehicle at his house would help him respond faster. When he was in Easton for 5 years he has never had any problems. He just wants to live peacefully and be allowed to park one commercial vehicle at his house. He has made some mistakes and he has not made friends with his neighbors. He won't be running the diesel trucks over the allowed 3 minutes. Chairman Ackerman asked what is the lightest vehicles he owns? Joe response he has a few vehicles and he lists a few vehicles but he stated they all weigh over the allowed gross vehicle weight. Joe points out that someone



Linda Mcallian, 170 Highland St., #215A, Taunton, Ma.  
Petition signed by 15 abutters

Britany wishes to store fencing materials on site at her house. Last year she lost her storage yard and had to find a new place. She apologizes that she stored the materials on site without the proper approval. She reached out to many residents about privacy fencing. She has been cleaning the property and has taken 19 tons of trash from the site. She has 7 trucks and 6 employees including herself and brother. She wants to be a good staple in the City and is hoping she can remain in the City. Her hours of operation are Monday – Friday 7am - 6pm . Steve asked how many times do they get deliveries? She stated the cement truck was there 2 weeks ago and material delivery about once a week. She states the deliveries are a flatbed truck and usually on Wednesdays. It was suggested perhaps making all deliveries one designated day a week. George stated he went to view sit and it's very large area in back. Brittany says she will not have any customers just storage of materials. Wayne asked if she rents and Brittany answers her wife owns property. She stated there is no wholesale or customers invited to the site. She stated there will be a foreman on site. Chairman Ackerman read letters from the City Planner, Conservation Commission, B.O.H., Water and City Engineer into the record. He also read letter from Mark Nunes & Joelle Bird, opposed, and letter from Jenna Lach opposed. Public input: Paul Flaherty, father in law to Brittany. Stated they had to move kind of abruptly and they have done a lot of work cleaning up this site. The materials will be stored nicely and there will be they have done a lot of work and he states the neighbors probably heard and seen stuff due to covid and people being home. He stated the conditions will improve and there will be no more access from Winthrop Street. John stated he went into see site and there was no room to turn around. He did comment the property is well kept and he can't see a large truck coming in for delivery and being able to turnaround. Paul stated a 40 yard truck came in and had to turnaround. Paul realizes the impact on the neighbors but he's hoping to make it good. In favor; Theresa Aiguier, 261 Winthrop St. stated she lives in front and she's used to the main road and noise. She works from home and the business does not affect her. She stated there is a sober house and the police visit a few times a week and there is planet petroleum down the road. She stated they have been good neighbors and they asked her if they could do anything if she wanted a fence? She stated the previous neighbors left a lot of debris and they have been cleaning that up. She did see a guy on a forklift on Winthrop Street unloading materials. She is ok with the business being there. Opposed: Jeff Costa, 170 Highland St., asked why do they need a foreman if it's only storage. He stated he noticed they have cleaned the place up but they have been storing materials for some time now which creates dust. They have to remember there is a 65 unit apartment complex next door and they are affected by this. They hear noise now and he wonders why they would spend money on the site without zoning approval. He stated there is a wood & brick building in back where they build gates and you can hear the generator. The property is zoned residential and is surrounding by all homes and apartments. He thinks once they get approved they will get bigger and bring more commercial vehicles in. This affects the neighborhood and he doesn't think this type of business is compatible with the residential neighborhood. Jeff stated the previous 2 people lived there had a farm. Jeff stated he witnessed the forklift unloading which caused havoc. He sees deliveries on Monday and the house in



Rounds stated they will be removing some vegetation for parking and at the last meeting they had 2 abutters in favor.

**Motion made and seconded to Grant with the following condition:**

- 1. Approved for 4 residential units with shared storage area.**

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

**Petition Granted**

**Other Business:**

**Case # 3421**

**Trustee of 39 Plain St. Realty**

**39 Plain St.**

Court's decision to reverse the ZBA approval and remanded the Board to issue an Order denying the Special Permit on the grounds set forth in the Court's decision

**Motion made and seconded to Deny per the Court Order.**

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

**Petition denied.**

**Meeting adjourned at 8:56 PM**