

MINUTES
ZONING BOARD OF APPEALS
May 19, 2022 at 6:00 PM
at 15 Summer St- City Hall

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

Meeting opens at 6:01 PM

Steve 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.

George made motion to accept minutes of April 28, 2022 seconded by Craig. All in favor.

Case # 3671 38 Winthrop St. LLC 38 Winthrop St.
For: A Variance from Section 440 Attachment # 3 & Section 440-704 of the Zoning Ordinance to allow a mixed use bldg. consisting of an 11 unit group home with an office having 55 feet of frontage and lot width (instead of 100 feet) with 1 parking space (instead of 25 spaces) and a density of 11 units (instead of the max. allowed 3 units)

For the Petitioner: Atty. Brianna Correira, 123 Broadway, Taunton, Ma.
Robert Bastis, Jr., 2440 Maple Swamp Rd., No. Dighton, Ma.

Opposed: None
In favor: None

Atty. Correira stated they are here tonight for variances for lot width, frontage and parking. The lot is small and they are not moving any lot lines. This site is a pre-existing non-conforming lot. They are proposing 11 units with shared storage which will be operated by a private agency. They will provide housing for the homeless and addicts. They ordinance requires 25 parking spaces but the people living here do not typically have cars. There have been no known issues within the last 2 years. They are in the process of doing some repairs for safety reasons. They were awarded a grant. George toured the site and was very impressed with the layout and thinks it would be a good project. He stated they are very close to the river so he suggest keeping buffer. Mr. Bastis says the project will be the same as what he did at 15 Winthrop St. and typically there is 1 car and 1 staff car. There is one parking spot unrestricted in the driveway. He only anticipates 3 vehicles. John stated there he's not aware of any problems at this location. Wayne asked about 15 Winthrop St. and if they have vehicles and it was answered no only 1 for staff that is on duty. Mr. Bastis stated they have offices at 63 Winthrop St. and One Washington Street so they are nearby but not here all day. Wayne asked when are they available? Mr. Bastis answers they will be on duty during business hours but available 24 hours a day. Steve read dept. comments from the

City Planner, Conservation Commission, Fire, B.O.H., Water and Engineer Public Input: no one in favor or opposed.

Motion made and seconded to grant as Presented:
Vote: Berube, Vieira, Moniz, Turner, Faria.....Yes

Case # 3673 JLJ,LLC 122 Winter St 56-1 & 48-49, 48-50, and 56-2

For: A Variance from Section 440 Attachment #1 of the Zoning Ordinance for a mixed use development consisting of 36 residential units with 1 commercial office space with an associated parking lot in the Urban Residential District.

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

Opposition: None
In favor: None

Atty. Correira the project is a mixed use in a URD with 36 units and 1 office space. The existing conditions do not meet the zoning requirements. The projects consists of 4 parcels of which 3 of them are in the HBD and one in the URD which is where the parking is located. They will need to go to the Municipal Council for a Special Permit. Petitioner went to the Conservation Commission last month. Wayne asked what is the hardship ? Atty. Correira answers the piece is in the URD and if all were in the HBD they would not need to be here. Public Input: No one in favor or opposed. Steve read dept. letters from City Planner, Conservation Commission, Fire, B.O.H., Water and Engineer. Atty. Correira stated they fire dept. comments will be addressed.

Motion made and seconded to grant with the following condition:

1. Must provide a 20 foot wide fire lane access per the Fire Dept. 5127 CMR 18.2.3.4.1.1

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

Case # 3672 VDM Industrial III, LLC 50 John Hancock Rd.

For: A variance from Section 440-704 of the Zoning Ordinance to allow 84 parking spaces instead of the required 178 parking spaces required for a warehouse use

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

Opposed: None
In favor: Richard Shafer, Project Mgr, Taunton Dev. Corp.

The petitioner is a commercial real estate firm and the worked with the City to re-instate the rail system at this location. The 2nd tenant in this building is light manufacturing. In 1984 they built the site with 134 parking spaces not the 178 spaces 16 of the 134 parking spaces are in the off street parking restricted zone. They are adding 4 loading docks on the side of Myles Standish Blvd.. They will have 84 parking spaces and approximately 30 spaces will be used by petitioner and the new tenant will use about 20-30 for a total of 50 or 60 spaces. She pointed out they won't be used at one time as there are different work shifts. There will be no retail at this time. The parking ordinance is based on the square footage of the building. Petitioner is willing to put trees for buffer. Atty. Correia stated the hardship is due to the elevation and grading of the site prevent putting additional parking. Tracey stated they will lose some parking in the southwest corner. She shows pictures which shows less than 10 vehicle sin the parking lot. She looked around the building to see if they could put additional parking and they can't because there is a parking restriction. Steve said the lot is legal pre-existing non-conforming lot. The new use will be light manufacturing/warehouse distribution with no retail. George asked if this was the old Retail Printing and it was answered yes. The owner has 40 years experience with properties in Avon and Attleboro. They take buildings and bring in new tenants. They have been successful in Revere with a medical office and Amazon that created a lot of jobs. In favor. Dick Shafer, Project Manager for TDC. He stated this is one of the oldest buildings in the Industrial park. He is very pleased with the project and thinks they will do a good job. They re-instated the railroad to reduce the truck traffic. He stated 84 parking spaces is very suitable for this type of business. He stated the TDC supported the project as presented. No one opposed. Steve read dept. letters from City Planner, Conservation Commission, Fire, B.O.H., Water and Engineer.

Motion made and seconded to grant as Presented:

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

Steve Vieira left at 6:36 PM
Wayne Berube chairing meeting

**Case # 3670 Capital Dev Co. LLC Highland Ave., 64-187, 64-178 &
63-177**

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.

Opposed: None

In favor: None

Atty. Correira states the petitioner wishes to divide the lot into two lots. Atty. Correira stated there are 13 smaller lots in the area and under the most recent zoning changes they could put a 2 or 3 family but they only wish to do a single family. Petitioner has spoken to neighbors and they would rather see 2 single family dwellings. There is a high water table and there is a 4 foot drop from the rear of the lot down to Highland Avenue. They dug test hold and found water at 3 ½ feet. They are proposing 2 small single family dwellings. Wayne asked if there is water & sewer available and it as answered yes. They will both be on slab foundations. Atty. Correira stated there are several smaller lots in the area. Public Input: No one in favor or opposed. It was mentioned there is a no sewer on Highland Avenue but there is from Oak Avenue. Wayne read dept. comments from the City Planner, Conservation Commission, Fire, B.O.H., Water and Engineer.

Motion made and seconded to grant with the following condition:

1. Single family home on each lot.

Vote: Berube, Joyce, Moniz,Turner, Faria.....Yes

Petition Granted

Meeting adjourned at 6:47 PM