

**MINUTES**  
**ZONING BOARD OF APPEALS**  
**June 22, 2023 at 6:00 PM**  
at 15 Summer St- City Hall

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

Meeting opens at 6:03 PM

**George made motion to accept April 27<sup>th</sup> minutes, seconded by Steve. All in favor.**

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.

**Other Business: Discussion on filing fees**

Chairman Ackerman stated last month they reviewed his proposal for change in filing fees. He did study and worked with the City Planner & City Solicitor's office on this. His proposal is to change and or lower fees. He stated the projected adjustment would be about \$2,000. He just received letter from Mayor's Office recommending lower fees and he thanks her for that. He was in agreement with all but one of her recommendations. He suggested the renewal of an accessory dwelling be \$100 and the Mayor suggest zero which he agrees. He proposed \$150 for an extension and she proposed to eliminate the fee. He says a developer walks in and see the room crowded and asks for a continuance hoping next month the crowd doesn't show up. He thinks they should be charged. He stated the continuances he suggests 3 tiered fees and Mayor's suggestion is for a single \$100 fee which he agrees. Mayor's proposal eliminates the after the fact filing, he agrees. Chairman Ackerman stated the Chief Financial Officer & City Planner agree with the Mayor's changes. He appreciates her input and thanks her. Chairman Ackerman read the Law department's letter. Atty. Costa's letter suggests the Board can vote on 1, 2 of the fee waivers but not #3 as some of the language may not be legal. He referenced the ZBA doesn't have the authority to determine if a building permit is needed. He suggest adopting everything in the Mayor's letter and work out the other item with the Law Dept. John asked if the City Solicitor wanted to come into the discussion. Atty. Matt Costa came into the enclosure. Chairman Ackerman suggests adopting all tonight and next month they change amend if needed after meeting with law Dept. Chairman Ackerman stated this will have a direct financial effect on all cases tonight because he's going to have the new fee schedule in effect for tonight's cases. So all petitioners will be getting a refund. John asked since the law office weighed in he suggests continue to next month. John asked what the Chairman had an issue with. Is it extension or continuance and Chairman Ackerman answered #3 of the mayors letter in reference to extensions. Chairman Ackerman says that a developer comes in and sees a lot of opposition and asks for a continuance in hopes they don't show up next month and he doesn't thinks that is not fair to the people who came out and thinks they should pay a fee. John stated since the law dept .and Mayor wrote letters we go with their

recommendation. John made motion to vote and approve what is being recommended by the Mayor and Law dept. Chairman Ackerman stated he won't accept that because John isn't a voting member. John was under the impression all members can vote on changes to the Rules & Regs. Chairman Ackerman stated alternates do not vote unless there is a need. John disagrees. Steve thanked Chairman Ackerman on all the research he did on this. Atty. Costa suggest the Board vote on items #1 & #2 but wait on #3 of the waiver fee section. He stated he didn't weigh in on anything the Chairman suggested relative to fees, his letter addresses the waivers of fees. Atty. Costa cannot suggest the Board adopt something he just gave letter saying it might not be legal to do. Seth asks that maybe continue and Chairman Ackerman says no because these changes will affect everyone here after what he will suggest. Chairman Ackerman suggests voting on only page 1 and leave the rest to later even though the law dept doesn't have an issue with all (just #3 of the waiver section).

**Wayne made motion to reduce fees in conjunction with the Mayor's recommendations except #3 extension (keep fee) Seconded by Steve. All in favor.**

Chairman Ackerman suggests the Board vote that all cases on tonight's agenda be Reimbursed funds to reflect the new fee schedule

**Steve made motion to allow all cases on tonight's agenda to reimburse fees to reflect the new fee schedule, seconded by George. All in favor.**

**Case # 3732            Marshall            237 Williams St. – Prop .I.D. 94-142 & 94-143)**  
For: A Variance from Section 440-602, Section 440 Attachment #3 & Special Permit from Section 440 Attachment #1 of the Zoning Ordinance to allow a two family use in the Suburban Residential District on a lot having 22,189 sq. ft. (instead of 25,000 sq.ft.) and having 2 houses on one lot on premises situated at **237 Williams St., Taunton, Ma. (prop. I.D. 94-142 & 94-143**

For the Petitioner: John DeSousa, Northcounty Group, 4 Court St., Taunton, Ma.  
Keith Marshall, 237 Williams St, Taunton, Ma.

In favor: None  
Opposed: None

John states the property is located over Rte. 24 /Hart St. overpass. It's has a weird shape with an angle to it. Mass. Highway took some land. They looked at adding another unit to the existing house but they would be over the height requirement and more than 2 1/2 stories. The septic system is located on the left side. John points out that the URD cuts out where the old Hart Street is. They want to add another single family house on the lot. If they added another unit on the existing house they would need a variance for height and the septic system tank is too close. Chairman Ackerman stated in SRD a 2 family is allowed with a Special permit approval. Seth asked if there is city water and

sewer and John answers the lines comes from the existing water line. They will need to put septic system in. Chairman Ackerman read dept. comments from the City Planner, Water, Eng., Fire, BOH and Conservation Commission. Public Input: No one in favor or opposed.

Steve made motion to grant as presented, seconded by George.

**Vote: Turner, Ackerman, Berube, Moniz ... Yes**  
**Vieira.....No**

**Petition granted.**

Minutes of Case # 3730 Deep Pond Farm & Stable Inc., Deep Pond Farmhouse Kitchen  
**123 Dolan Circle - parcel 97-2 & 96-84**

For: A Variance from Section 440 attachment #2 of the Zoning Ordinance to allow parcel 96-84 to be utilized for a 161space parking lot (including 6 handicap spaces) in conjunction with the allowed uses and conditions in Case # 3712 and mod. Case #3712 associated with parcel **123 Dolan Circle (parcel 97-2)**

For the Petitioner: Atty.Brianna Correira, 123 Broadway, Taunton, Ma.  
Richard Reid, Lighthouse Land Survey, 27 Jefferson St., Taunton, Ma  
George Ghazal, 98 Margaret Rd., E. Taunton, Ma.

In favor: John Santarpia, 22 Davis St., Taunton, Ma.  
Opposed: None

Atty. Correira stated the Board is aware of this site. She stated there is an on-line petition in favor. Atty. Correira gave background on this project. They received ZBA approval in Feb. in Case # 3712 for a use variance and in April they received approval for change of hours. They filed a Site Plan Review with the Planning Board n April and asked for a 3 month continuance based on the dept. comments They are scheduled to go to Planning Board on July 6<sup>th</sup>. They went to the License Commission for their liquor license, entertainment and a few things have not been cleared up so the liquor license hasn't been issued yet. They will file an updated with conservation commission. They received approval and an Order of Conditions was approved in June. Tonight they are here for the approval of parcel 96-84 to be used as a parking lot in conjunction with the farm and other uses at 123 Dolan Circle. She showed the parking lot shows for 161 spaces with 6 handicapped parking along the driveway in. She stated the new parking lot will provide a cleaner and safer access. The old parking was in the corral which has significant safety concerns. She stated under the plumbing code they will need 2 restrooms (woman/men) with sink and mop services and if over 400 people would require more. She asks the capacity be set at 399. Rich Reid explains the site layout. George acquired the adjoining property and proposes to create a parking lot. They received input from the Fire Dept. and took all the comments into consideration for accessibility. The

parking lot will be gravel and the handicapped spaces will be paved. The existing parking wouldn't interfere with the handicapped parking. They need to put a rain garden and stormwater control. The parking lanes are 24 feet wide with 161 parking spaces (that includes the 6 handicapped spaces). They propose to put stone dust on the footpaths to make it accessible to welcome everyone coming. After meeting with Building and Plumbing Inspectors they put temporary restrooms behind barn. Rich says the intention is to maintain the farm character and family orientated. Chairman Ackerman read dept. letter from the City Planner, Engineer, Conservation Commission, Fire and B.O.H. . George asked if they were going to add any more handicapped parking spaces? Rob stated they could double up if they had to but they will have traffic management. Steve commended Atty. Correira on her presentation and plans. He asked if they would be making the rest of the facility ADA compliant? Rich answers they won't be making everything ADA. George stated it's a nice place and stress free zone. John stated he had some concerns about parking and this addresses them. Chairman Ackerman asked if the handicapped people will drive up and be dropped off and get out and then park? Rich stated there is an emergency gate but will be able to get out. Chairman Ackerman disclosed he has been to the site numerous times and did not sign the on-line petition. He stated the City is working closely with George and he says every time he goes out to the farm there is a new animal to see. He suggest reading Emily's story. Public Input: John Santarpia, 22 Davis St. spoke on how he brought his daughter Emily there before she passed away. He stated it was incredible accessible and he wheeler her wheelchair around with an oxygen tank. He's been to Simcock Farm and it's not nearly as accessible. He stated his daughter was so happy to see all the animals. He thanks George for allowing her daughter to have the farm experience before her passing. He wants George to succeed and he hopes things get straightened out. He said there are no playground in the City totally accessible. He states George does this for the fellow man and not the money.

**George made motion, seconded by Steve to grant as presented with the following condition:**

- 1. Total capacity is 399.**

**Vote: Turner, Ackerman, Berube , Vieira, Moniz ...Yes  
Petition granted**

**Cont'd Case # 3722 T.N.L. Home Improvement LLC 79 ½ W. Britannia St.**  
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.

Request to withdraw petition without prejudice and refund of filing fees.

Motion made and seconded to allow the petition to be withdrawn without prejudice and refund \$400 of the filing fee.



signage on both sides. They will be over the height requirement 3 feet. They are asking for relief for shorter refresh rate but will meet State Regs. The benefits of this sign will be they can advertise storm warnings, Amber Alerts and important community event. Atty. Correira stated there are strict State regulations. It was asked if this needed a Site Plan Review and Atty. Correira stated she wasn't sure she would check with the City Planner. Steve asked why the height of 43 feet? Bruce stated they need to clean some trees and do some grading and it may be 40 feet when the grading is done. Chairman Ackerman read dept. comments from the City Planner, Conservation Commission, Engineer, Water Dept., B.O.H and Fire Dept. Public Input: No one in favor or opposed.

**Steve made motion to grant as presented, seconded by George.**

**Vote: Turner, Ackerman, Berube, Vieira, Moniz ... Yes**  
**Petition granted**

Meeting adjourned at 7:30 PM