

MINUTES
ZONING BOARD OF APPEALS
July 27, 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

Steve made motion to accept June 22nd minutes, seconded by George. 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.

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

Meeting in Executive Session to review appeal filed with the Superior Court entitled Subzero Property LLC vs. ZBA (Docket No. 2373CV00319) Continued to net meeting.

Case # 3734	Hazard	39 Shore Dr.
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For: A Variance from Section 440 attachment #3 of the Zoning Ordinance for an existing garage with a 15.5 foot rear setback (instead of 20 feet due to a new lot line)

For the Petitioner: Atty. Alan Medeiros, 4 Winthrop St., P.O. box 7, Taunton, Ma.

In favor: Tom Denney, 25 Shore Dr., Taunton, Ma.
Michael Hazard, rep. his father, William Hazard, 39 Shore Dr, Taunton, Ma.

Opposed: None

Atty. Medeiros states they are here tonight for a variance for an existing garage on a piece of land that was recently reconfigured. The properties affected is 39 Shore Drive and 6 Duncan Dr. After a full survey of the property it was discovered the property line is in fact a rear property line which needs to be 20 feet. They are trying to clean up the property lines and it will allow an even swap and bring garage in compliance. Public Input: Tom Denney, 29 Shore Drive stated during construction the land was moved. He asks if they could put some kind of retaining wall. He's not opposed but asks for a little consideration for a retaining wall. It's almost a cliff now, steep embankment. Atty. Medeiros is not familiar with any erosion. Michael Hazard rep. his father stated he had no problem putting in a retaining wall. The Board stated both parties could discuss on what type could go in. Chairman Ackerman read dept. comments from the City Planner, Conservation Commission, Engineer, Water Dept., B.O.H and Fire Dept.

Seth made motion to grant as presented, seconded by George with the following conditions:

1. A retaining wall to be installed as mutually agreed on by the parties involved.

Vote: Turner, Ackerman, Berube, Vieira

Case # 3735 **Moura** **145 Broadway**
For: A Special Permit from Section 440 Attachment # 1 of the Zoning Ordinance to allow a 3 family use in a highway Business District.

For the Petitioner: Jaildo Moura, 87 Kilmer Ave., Taunton, Ma

In favor: None
Opposed: None

Mr. Moura explains this property was a mixed use building with 2 units and an accounting office on first floor. He wishes to convert the office to another residential unit. It already has a closet, bathroom and he would just need to put a kitchen he has plenty of parking. 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. Seth asked about the parking in back and he said that is for visitors. He has a total of 14 parking spaces. Wayne asked if there is a kitchen there yet and Mr. Moura answers no. 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

Case # 3736 **Farland** **569 Bay St.**
For: A Variance from Section 440 Attachment #1 of the Zoning Ordinance to allow a 1,200 sq. ft. tattoo parlor in conjunction with the existing 2 family use in an Urban Residential District.

For the Petitioner: Samantha Farland, 839 Pearl St., Brockton, Ma.
Sabrina Jones, 839 Pearl St., Brockton, Ma.

In favor: None
Opposed: None

Samantha Farland and Sabrina Jones were invited into the enclosure. They are here to seek permission to open a private tattoo parlor at 569 Bay St. The property also has 2 apartments that front on Washington Street and they have their own parking on that side.

The previous use was a hair salon with 2 chairs. They are proposing 2 tattoo chairs and the business will be by appointment only. They will have 4 people there at one time. Wayne asked if all they do is by appointment only and they answered yes. They do very detailed tattooing and it takes several hours. George & John asked about the parking and they answered the apartments have parking off Washington Street and they would have the parking off Bay St. John just wanted to point out there have been several accidents in this area. 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 with the following conditions:

1. Hours of operation: 11 AM – 7 PM Tuesday – Sunday
2. Limited to 2 tattoo chairs

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

Case # 3737 **Moniz** **Millview St.**
A Special Permit from Section 440 Attachment # 1 of the Zoning Ordinance to allow a two-family duplex on lots 1-8 in Millview Estates Subdivision a.k.a, (**properties I.D. 38-125, 38-564, 38-565, 38-66, 38-108, 38-567, 38-568, and 38-569**)
Request to withdraw without prejudice.

Motion made and seconded to allow the petition to be withdrawn without prejudice.
Vote: Ackerman, Berube, Vieira, Moniz, Turner....Yes
Petition withdrawn without prejudice.

Case # 3733 **Alliance Residential Co. N.E.** **1141 County St.**
For: A Variance from Section 440-1707 (o) of the Zoning Ordinance to allow relief whereby an applicant when creating 5 or more dwelling units, must provide a detailed affordable report and provide 10% affordable units if the ZBA determines the number of affordable units is below the percentage required under MGL c.408.

For the Petitioner: Michael Boujoulian, Manage Director, Alliance Residential Co. N.E., 184 High St.,

Boston, Ma.
Sean Henry, V.P. Alliance New England, 184 High St., Boston, Ma.
Greg Arsenault, Development Analyst,
Atty. Gregg Cosimi, Choate Hill Stewart, 2 International

Place, Boston, Ma.

In favor: Estele Borges, 63 Ashland St., Taunton, Ma.
Bruce Thomas 48 Church Green, Taunton, Ma.
Jay Pateakos, EOCD Director, 15 Summer St, Taunton, Ma.

Opposed: Cheryl Monteiro, 55 Debra Drive, Taunton, Ma.
William & Kathleen Olson, 294 Plain St., Taunton, Ma
Sergio Monteiro & Jennifer Arabie, 45 Debra Dr., Taunton, Ma.

Michael Boujoulian gave some history on Alliance. They have been operating across 16 states and 39 Metropolitan markets. They have 40 years of experience and was ranked #1 developer in the U.S. in 202, 2023. They have 19 regional offices, headquarters in Scottsdale, Arizona. They have developed over 115,000 multifamily units and the New England division open in 2015 and have developed over 1,200 various stages of pipe/portfolio. They do not build cooker cutter complexes. They built 195 units in Waltham, 314 units in Waltham, 220 units in Hingham, 225 units in Billerica. They are proposing 284 units in 4 buildings with 50% 1 Bedroom and 50% 2 bedroom. They have 475 parking spaces. He stated the end of 2019 going into 2020 with the pandemic was challenging. He had a developer they work with reach out to let them know about this site. This is the former driving range. But due to covid they put it on hold. They put property under contract in February 2022 and having been trying to secure the local and state permits. They submitted conceptual plans to the planning office, CFO, EOCD, Mayor and Dennis. Last summer they identified the wetland and filed a NOI with the conservation commission and received an Order of Conditions on 7-18-23. They submitted their application to the Planning Board and had great dialogue with the DIRB. They need to go through the MEPA process and also the Mass DOT for their access permits and MBTA. The design and groundbreaking will mostly likely take place next summer. He stated they are here tonight to waive the requirements of building affordable units. Michael stated they are in the middle of their MEPA review and to change it would be problematic. In speaking with the CFO and EOCD they were not intending on asking for a variance. Atty. Gregg Cosimi stated they are asking to waive the requirement of building 29 affordable units. He stated particular conditions and the topography makes complying with the ordinance would create a substantial hardship. There are physical constraints and they are having 43.11 acres and 29 acres is wetlands. And due to the State taking of 6.78 acres results in 67% undeveloped land. They are only able to develop 1/3 of the land. The irregular shape is challenging also. They are compelled to comply with Chapter 40A. They are encouraged to provide multifamily and the law contains an affordable unit component. They will need to go through the Site Plan Review with the planning board. The red line is next door and diagonally across is the part of takings. There is a large wetlands and BVW resource area. There is an area not accessible due to Rte. 24. There is only 30% available for development. They cut the parking to meet the city standards. Chairman Ackerman asked where is the Proforma? Michael stated their financial underwriting is about 30 pages and didn't want to submit all that to Board. Chairman Ackerman asked what is the return on this project? Michael answers return is about 6.5%. Chairman Ackerman asked if a traffic study was done and fire flow test and he answered yes to both. What are the rents? It was answered they would be 2 years out but they estimate at around one bedroom \$2,500 and 2 Bedroom \$3,000 mo. Chairman Ackerman stated this meeting is being taped and he's aware a few councilors are here and wanted to ask if they are asking for any waiver of fees? It was answered no waiver of fees. Chairman Ackerman asked how is the project

going to be funded? Michael answers they have investors and partners who will invest. Chairman Ackerman stated he thinks this project is the first in the state. He asked if any units will be for veterans and it was answered yes but not specifically dedicated to veterans. Chairman Ackerman you are asking to waive 29 affordable units and they are proposing \$600,000 to go into the Affordable Trust Fund. He stated there are needy families and low income family would want those affordable units. Chairman Ackerman stated taking away those units takes away from the intent of the law. He stated you are scuring the intent of the law. The council and Mayor pushed for diversity and who will go in here. Chairman Ackerman stated without a preform he cannot vote on this. He likes the project but doesn't like giving up the affordable units. He stated we need to know more and if voting on this tonight we would be derilic. He stated there are a few inclusionary housing projects approved in the City and they had to pay 14,000 per unit (28 units), 16 units had to pay \$17,000 per unit, and 284 units you would be pay only 2,100 per unit. Chairman Ackerman asked who was part of the negotiating team with the City? Chairman Ackerman said the City has a new EOCD director and he is good and if he was involved we would know. Michael answers they did not negotiate with anyone with the City. That is the number they can afford. Chairman Ackerman suggests continuing, sitting down with 1-2 other zba members and come up with a better figure. He stated the ZBA is not saying no to this but he thinks it would be best to continue and meet to discuss options. Chairman Ackerman thinks it would be in their best interest to continue and meet with EOCD director and a few board members and if that is not acceptable to them he asks they throw out a number? Chairman Ackerman stated he knows a lot of developers and he knows the formula they use. He stated he remembers meeting with Ed Correira and gave good ideas. He stated again he knows the formula used by developers. Michael stated that is the reason we don't bring the proforma. Michael stated he has been an open book and again said there were no negotiations with City Hall. He stated tis project will cost \$3 million over 3 years and design fees too. He stated he's trying to keep the project alive . He stated these will be moderate income and they are under the MBTA community Act and not inclusionary housing. He stated \$600,000 is not an arbitrary number. That is really the only amount they can afford. Chairman Ackerman asked if there is any real estate agent involved and it was answered no. He suggests they go back to property owner and tell them the Board is demanding more money and see if they could help you. Michael stated they are creating a new product in the City. Steve asked about the management company and he answers it's a third party group. They will have 1 team member on-site all day. Steve asked what kind of amenities will they have? It was answered pool, public space, movie room, gaming room, outdoor grilling station. It will be suited for young non-family. George stated its more suite for professional. He thinks the rents are high for the area. George suggests mixing it up with 1 & 2 bedrooms. He stated it will be for families who want it a little quieter. John asked about other projects they did/ He loves the project but hates the fact no affordable units will be built. He stated if sold and turned into condo units he wants to make sure the City doesn't lose out. He suggests prohibiting condo units. Michael stated they only build rentals. He stated an affordable 1 bedroom is \$1,539 and 2 bedroom on County St. is \$1,840. Michael stated he doesn't believe this will hurt the City. They will spend \$2million just to get started. They are doing massive improvements. He gave \$600,000 what we could in good faith. He stated this project

will have 200 men & woman working for 2 years. It will be a massive boost for the City. John asked what will be on first floor They answers a small 5,000 retail use The long driveway to get in is not conducive to big retail component. They gym will be part of the apartments. George thinks the rents they quoted are high. Seth stated the tax revenue is substantial and he knows there is a need for housing in the City. Public Input: Cheryl Monteiro, 55 Debra Dr. lives across the railroad tracks. She met with Sean Henry and asked if the building closed to her could be reduced to 3 stories. She has lived there 31 years and she visited 2 sites they built in other towns and they are nice but are Big. She asks the Board to make that building 3 stories. She stated at the Conservation Commission meeting they asked for they showed 40 to 60 trees being proposed and now they show 10 foot high trees. They stated they are now forced to finagle the site but they chose this site. She stated they offered them money for trees but they don't want that. If it's such a close number the maybe they shouldn't build it. She is just asking for one building to be 3 stories. She likes the parking under the building. Bruce Thomas, 48 Church Green, is in favor. He stated because the train is going in that is what is bringing this. He agrees a dunkin wouldn't be good in there. Jay Pateakos, EOCD Director said Taunton is so far behind, New Bedford and Fall River is so far ahead of us. They have developed sites along the railroad. Jay stated putting affordable units here doesn't make sense. The City will be getting a lot out of this project. He stated every City is putting rentals near RR. He is trying to move Taunton forward. John asked Jay how the Affordable Trust works? Jay stated they gave out 3 grants last year, one for Chris Coute's project, one for Stafford Capital and one for the Walker School. George asked if the City if preparing for the new system with the water & sewer? They will be paying 1 million in infiltration fees. Michael stated they met with DPW, Engineer, Water & Sewer and they are all cleared. Chairman Ackerman suggests continuing and have a 3 man committee meet with Jay. Chairman Ackerman stated he could, Steve and Wayne agreed to meet. Michael stated he's committed to working with the neighbors and he doesn't see a reason to continue. Chairman Ackerman stated he talked to several developers and knows the formula. Michael asked for a 5 minutes recess to talk to his team. Back from recess. Public Input: Estele Borges, 63 Ashland St. speaking as a resident but you all know she serves on the Council. She stated this is a well needed project for the City. It will bring a lot of tax revenue to the City. She went to the DIRB meeting and she states they have endless water. Although she is for the project she is sensitive to the Monteiro's and she hopes if this goes forward they take into consideration the residents out there. She said the City can look at putting affordable units somewhere else in the City. Steve asked if they would be asking for any other variance and Michael answered no. John stated when it was first presented it was 5 story structure. It was noted they can do 6 stories as a matter of right. John thinks it's a good idea and he has witnessed County Street go down with the mall closing. He stated with the train going in it will revitalize the area. Michael stated they are still struggling with the layout. Wayne suggested moving on wit the vote. Michael stated they are under a time restraint and continuing to Aug.24th will be an issue. He asks if they could possibly have a special meeting before? Chairman Ackerman was just informed they cannot meet to discuss it because it will violate the open meeting law. Chairman Ackerman says he can meet with Jay and Jay can communicate his effort to the petitioner.

Chairman Ackerman wants this to work and he will try to schedule meeting before Aug. 24th.

Motion made and seconded to continue to Aug. 24th or if possible schedule a special meeting.

Vote: Turner, Ackerman, Berube, Vieira, Moniz ...Yes
Petition continued to 8-24-23

OTHER BUSINESS: Discussion on Waiver/reduction of filing fees
Continued to next meeting

Meeting adjourned at 8:30 PM

