

MINUTES
ZONING BOARD OF APPEALS
September 22, 2022 at 6:00 PM
at 15 Summer St- City Hall

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

Meeting opens at 6:05 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.

Wayne made motion to accept minutes of July 28, 2022 meeting, seconded by George. All in favor.

Chairman Ackerman had a moment of silence for Dale Glynn, wife of Greg Glynn, Program Supervisor of the Taunton Municipal Network, who passed away on 9-13-22

Case # 3684 The McCaffrey Family Irrev. Trust Brookside Ave. 110-115
For: A Variance from Section 440-602 & Section 440 Attachment #3 of the Zoning Ordinance for the development of a lot having 0 feet of frontage (instead of 125') having access via a 14 foot wide driveway from 36 Liberty Street and 0 feet of lot width (instead of 100')

Letter requesting a continuance.

Motion made and seconded to grant continuance to October 27th meeting.

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

Petition continued to October 27, 2022

Case # 3688 Binda 49 Plain St. & Prop .I.D. 92-196
A Special Permit from Section 440 Attachment #1 and a Variance from Section 440-602, 440-704 and Section 440 Attachment #3 of the Zoning Ordinance to allow 13 residential units on a lot having 39,486.94 sq. ft. of lot area & dry area (instead of 43,560 sq. ft. for each) 90 feet of frontage & lot width (instead of 100 feet for each) with 17 parking spaces (instead of the req'd. 26 spaces)

Atty. Correira requested a 2 month continuance and also extends the time frame on which to act on this proposal. The continuance is to allow time meet with abutters, and there being only 4 voting members on this case tonight and CCBC was not available tonight. .

Motion made and seconded to grant request and continue to November 17th meeting.

Vote: Ackerman, Berube, Turner, JoyceYes

Petition continued to Nov. 17, 2022

Motion made and seconded to grant with the following conditions::

- 1. New lot restricted to single family dwelling.
- 2. Fix/repair the portion of Claffy Street that was a result of the utility installation to the satisfaction of the DPW.

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

Petition granted

Case # 3685

J &J Outdoor Media

Joseph I. Quinn Rd.

A Variance from Section 440-706 and Section 440 Attachment #2 and #3 of the Zoning Ordinance to allow a Service Use in the Suburban Residential District for a 1,344 sq. ft. free-standing illuminated sign (instead of the allowed 0 feet and max. 200 sq. ft.) on a vacant lot having 15,320 sq. ft. of area and dry area (instead of 25,000 sq. ft. of area & 20,000 sq. ft. of dry area) with a height of 90 feet (instead of max. 30 feet) which utilizes more than 50% of the allowed sq. ft. for the sign as a changeable sign face, with a shorter refresh rate than 20 seconds and to be illuminated at all time on premises situated on **Joseph I. Quinn Rd., Property I.D. 9-2-0, Taunton, Ma.. Property owned by Reva Realty Norton LLC.**

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

Jenish Patel, J&J Outdoor Media, 455 Bedford St., Bridgewater, Ma.

Matt Holt, StrongPoint Eng., 340 Manley St.,Unit 2, W. Bridgewater,

Ma.

In favor: None

Opposed: None

Atty. Correira stated they are here tonight for an electronic message 2 sided sign. They are proposing a 90 foot in height, 14’ x 48’ standard billboard sign. The property is located in the Suburban Residential District but it’s just outside of the industrial park. They are not entitled to any sign on the property because there is no building on the property. The property abuts Rte. 495 and the property is unique in that it slopes from Joseph Quinn and it borders wetlands. Atty. Correira stated this use is the least impactive and will not generate any traffic. They will provide some parking for maintenance people. There are signs like this in Lakeville, Bridgewater, Norton, Middleboro and Lakeville. They can remotely change the sign. The other variance they need is to allow the sign to be on at all times. The benefit is the petitioner will be more than happy to allow Amber Alerts and will promote storm meetings, public service announcements, etc. They will follow all State regulations. Atty. Correira stated this is the first step in the process, they need to go conservation and site plan review. Wayne asked if they would be renting sign and they said yes they will leasing from owner. John asked if they had any photos of what the sign will look like? Atty. Correira stated they didn’t have any photos. John would like to see what the sign looks like to see it will be flashing, etc. It’s a tall sign and he wanted to make sure it won’t be a distraction to

drivers. He said these signs could be very distracting to motorists on the highway. Atty. Correia stated they will be refreshing every 10 seconds, per the state regs (20 seconds is city ordinance) John asked if it would be one image for 10 seconds and then it will change and it was answered yes. Public Input: No on in favor or opposed. Dept. comments from City Planner, Water, Conservation Commission, Fire, and B.O.H. were read into the record.

Motion made and seconded to grant as presented:

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

Case # 3686 Fisher 23 Pearl St.

For: A Special Permit from Section 440-503 of the Zoning Ordinance to allow the extension of pre-existing non-conforming structure by allowing a 2nd floor addition with stairs having a 2 foot side setback .

For the Petitioner: Antonio Sousa, contractor, P.O. Box 929, Sandwich, Ma.
Carolyn Fisher, 23 Pearl St., Taunton, Ma.

In favor: None
Opposed: None

Mrs. Fisher stated they are planning on building an addition for her daughter & family to live. The house is and will remain a single family dwelling. They are proposing to add 2nd floor addition so they can have some more room as they just had baby. They will share a bathroom so it is no considered a separate unit under the zoning ordinance. Mrs. Fisher stated her daughter is fighting cancer and they just want to help them out. Tony said they will add living space with kitchenette but they will share bathroom. Public Input: No one in favor or opposed. Dept. comments from City Planner, Water, Conservation Commission, fire, and B.O.H. were read into the record.

Motion made and seconded to grant with the following condition:

- 1. The house to remain a single family dwelling**

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

Case # 3687 Pires 499 Whittenton St.

For: A Special Permit from Section 440 Attachment #1 and a Variance from Section 440 Attachment #3 of the Zoning Ordinance to allow a 2-family use in a Suburban Residential District on a lot having 15,740 sq. ft. of lot area & dry area (instead of 25,000 sq. ft. of lot area & 20,000 sq. ft. of dry area) with 70.69' of frontage (instead of 125')

For the Petitioner: Daniel Pires, 202 W. Center St., W. Bridgewater, Ma.

In favor: None

Opposed: Janet Bernard, 493 Whittenton St., Taunton, Ma.

Mr. Pires stated he’s here tonight to be able to convert the existing single family back to a duplex. Prior to 2012 the dwelling was a duplex and for some reason the owner converted it to a single family. There are 2 sets of stairs, 2 front doors and the setup is like a duplex. There is one kitchen so they must have remove one of the kitchens when the converted it to a single family. He would need to add a bathroom and kitchen. There are a lot of multifamily dwellings in the neighborhood. George asked if there was after the new houses going on Whittenton Street and it was answered yes. Public Input: Janet Bernard, 493 Whittenton St objects to parking in the back. She stated it used to be a 2 family but she doesn’t want a parking lot in the back. John asked if they considered taking shed down and put parking there. He stated this is a dangerous curve along Whittenton Street and he wouldn’t want anyone backing out. Mr. Pires stated he could put parking in back. The Board suggested putting fence along property lines. Wayne thought the lot is too small and asked what is the hardship? Mr. Pires stated he would be providing housing. Dept. comments from City Planner, Water, Conservation Commission, Fire, and B.O.H .were read into the record. Wayne thought the lot is simply too small and he would not support it.

Motion made and seconded to grant with the following conditions:

- 1. Provide all 4 parking spaces to rear of dwelling.
- 2. Install a 6 foot stockade fence on both sides property starting at rear of house for a distance of 15 feet beyond the shed or take shed down.

Vote: Ackerman, Berube, Faria....No

Moniz, Turner..... .Yes

Petition Denied

Case # 3689 A.L.E. Realty Trust 160 Leona’s Lane
For: A Variance from Section 440 -603 – Section 440 Attachment.#3) of the Zoning Ordinance to allow a rear setback of 19 feet 7 inches (instead of 20 feet)

For the Petitioner: Atty. Alan Medeiros, 4 Winthrop St., Taunton, Ma.
Antonio Bairos, A.LE. Realty Trust, P. O. Box 1126, Taunton, Ma.

In favor: None

Opposed: William & Patricia Dlugos, 123 Silversmith Way, Taunton, Ma.

Atty. Medeiros stated they are here tonight for a rear setback for a newly constructed house. They were under the impression that this property line was a side setback but unfortunately due to the shape of the lot it’s considered a rear setback and they need 20 feet. The existing house is 19.feet 7 inches. They picked this up on the As-Built Plan. Chairman Ackerman asked if the City missed it and Tony said no. They showed it being 20 feet on the proposed plans but it ended up being 19.7 on the As-Built but they

thought it was ok because they met the 15 foot side setback. Public Input: William & Patricia Dlugos, 123 Silversmith Way, stated they respect the owner and his right to build. They are the only ones affected by this mistake. The location of the house is odd and they think it will affect their property value. Mts. Dluogoas stated their lifestyle has changed due to this house being built so close to the property line. They removed all the trees that made it so nice. She has put up with noise for the past 3 years. It was suggested putting some plantings along the property line and Tony said he could do that. Also maybe looking into putting slats in her chain link fence. Atty. Medeiros stated only if she allows it because it's her fence. It was suggested putting tall arborvitaes to fill in and Mrs. Dlugos would be happy with that. Dept. comments from City Planner, Water, Conservation Commission, Fire, and B.O.H. were read into the record.

Motion made and seconded to grant with the following conditions:

1. Plant arborvitaes (a minimum of 7- 9 feet in height) along the property line where the driveway is located ending at the corner of the lot.
2. Work with Mr. & Mrs. Dlugos on putting slats on their existing chain link fence

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

Meeting adjourned at 7:39 PM