Members Present: Steven Vieira, Estele Borges and Joseph Amaral, Wayne Berube and Dennis Ackerman.

Meeting opens at 5:43 PM.

Joe made to accept minutes of March 14, 2013, seconded by Estele. All in favor

Chairman Ackerman explained the process of which the ZBA conducts its meetings. They listen to the petitioner/Attorney, then opposition or in favor and then back to the petitioner. They do not go back and forth.

Case # 3169 1877 TPM Corp. 316 Broadway

Hearing held on April 11, 2013

For: For a Variance from Section 7.1.1 & Special Permit from Section 5.2 of the Zoning Ordinance for a reduction of the landscaped buffer from 25’ to 3.6’ on the northeasterly sideline and 5.2’ on the southwesterly sideline and to allow a drive-thru for a Bank in a Highway Business District.

For the petitioner: Brad Fitzgerald, P.E., Senna Fitzgerald & Gilbert, 28 Main St., Lakeville, Ma.
Joseph Baptista, Mechanic’s Co-Operative Bank, 308 Bay St., Taunton, Ma.

Opposed: None
In favor: None

Brad stated they submitted revised plans to include the DIRB comments. The site is the former Gaff’s bar and the bank is proposing to go in. They will be constructing new building with an unattached drive-up. They are proposing pass thru lanes and angled parking spaces. There will be employee parking out back and some overflow parking. They are requesting a waiver on the side landscaped buffer requirement so they can have 2 lanes and eliminate any backup. On the south side of the property there is General Fire Extinguisher and they are required to put up fence. Chairman Ackerman stated he would not want any trees in front. Brad stated the ordinance requires about 4 trees every 15 feet. The Board thought they should eliminate any trees in front. Joe asked how many trees are on the plans? Brad answers about 64 trees. Joe states he realizes the ordinances requires so much but hopes we hopes there is a happy medium. It was pointed out there is a factory to the right in back. Joe stated the bank has always maintained their site and this will be no different. Mr. Baptista stated they will have medium level shrubs (low line) on Rte. 138 to keep safe site line. Wayne asked about fencing and it was noted there is stockade fencing along side. Joe asked the existing trees on site and Brad answers they are way back behind property and they will remain. There was some discussion on how many trees would be sufficient. No one in favor or opposed. Dept. letters from City Planner, Conservation Commission, and Board of Health were read into the record.

Motion made and seconded to Grant with the following conditions:

- A minimum of no less than 50 trees. All trees shall be set back 15 feet from road.
- A minimum of no less than 60 shrubs.
- No trees along Broadway beyond the minimum required pursuant to the front yard landscape buffer requirements.
- Drive-thru for Bank Only.
Cont’d. Case # 3163  Mcgee Family Partnership  529 Richmond St.
A Variance from Section 6.2, 6.2.5 & 6.3 and a Special Permit from Section 5.2 of the Taunton Zoning Ordinance to allow the division of an 5.45 acre parcel into 3 lots and a Special Permit to allow a residence in a Industrial District; Lot A-3-1 having 20.01 feet of frontage & lot width (instead of 150’ frontage & 100’ lot width) with a shape factor of 44.51 (instead of 35) Lot A-3-2 having 20.01 feet of frontage & lot width (instead of 150’ frontage & 100’ lot width)

Vote:  Amaral, Ackerman, Borges, Berube, Vieira...Yes
Petition Continued.

Case # 3125-Modification  Hamie  240 Alfred Lord Blvd.
Hearing held on April 11, 2013
For: A Special Permit from Section 5.3.4 of the Zoning Ordinance to modify the recent approval for building expansion and use change and allow the addition of a 2nd floor (1,200 square feet) for storage purposes.

For the petitioner: Mohammad Hamie, 239 Alfred Lord Blvd., Taunton, Ma.
Opposed: None
In favor: Katherine Sutherland, 210 Alfred Lord Blvd., Taunton, Ma.
         Stanley Johnson, 235 Alfred Lord Blvd., Taunton, Ma.
         Tracy Heather, 211 Alfred Lord Blvd., Taunton, Ma.
         Vincent Barros, 107 White Pine Dr., Taunton, Ma.

Mr. Hamie stated at last meeting he neglected to say the second floor was going to be for storage purposes so he’s here tonight for approval. In favor: Katherine Sutherland, 210 Alfred Lord Blvd., stated this will be a benefit to the neighborhood. Stan Johnson, Vincent Barros and Tracy Heather all in favor. No one opposed.
Letters from the City Planner, Conservation Commission and Board of Health were read into the record.

Motion made and seconded to Grant as Presented.

Vote:  Ackerman, Vieira, Amaral, Borges, Berube  ............Yes
Petition Granted:

Case# 3166  Arista Development LLC  57 Winthrop St & 119 High St.
Hearing held on April 11, 2013
For: A Special Permit from Section 5.2 of the Zoning Ordinance for a pharmacy drive-thru & retail use in an Office District

For the petitioner: Atty. David Gay, Gay & Gay, P.C., P. O. Box 988, Taunton, Ma.
         Ron Muller, P.E., 56 Teresa Rd., Hopkington, Ma.
         Doug Benoit, P. E., Arista Dev. LLC, 520 Providence Highway, Norwood, Ma.

Opposed: Tom Butler, 208 Cohannet St., Taunton, Ma.
         Matthew Dias, Baptist Church, 61 Winthrop St., Taunton, Ma.
         Jack Donahue, Baptist Church, 61 Winthrop St., Taunton, Ma.
         Atty. Marc Antine, 63 Winthrop St., Taunton, Ma. had some questions.

In favor: None

Chairman Ackerman stated that several members on the Board are members of the Elks but have no financial interest so they can vote without any conflict of interest. The proposal is to take down the Elks building and apartment building on adjacent property. They are taking down the 20,000 square feet Elks building and 11,000 square foot apartment building and replace it with a 14,550 square foot with pharmacy with 50 parking spaces. They are reducing the square footage of buildings compared to what was there. Atty. Gay argues the traffic from this will be low volume. The current use, Elks function hall, at times if very busy with traffic. Atty. Gay stated he has met with the City Engineer and City Planner when plans were drafted. The pharmacy will abut Church on each side. Atty. Gay said Cohannet Street access will be one way, right turn only. There will be no increase in access/egress. He stated the City Planner stated this drive-thru is for Pharmacy only. Atty. Gay stated the drive-thru is a benefit to young
families and older clientele and it will be visible from the street. Atty. Gay stated there are many businesses surrounding this property including insurance business, bank, dental office and offices. The building will set back and to prevent traffic from cutting through, per the City Planner, we put access road where it is. Atty. Gay pointed out on plans it shows an 18,000 square foot lot which will be sold to church once paved for their use. That is not part of our proposal, we have 50 parking spaces available. Doug Benoit, Arista Development stated this is the re-location of the Walgreens on Tremont Street. Atty. Gay pointed out the previous Walgreens on Washington Street was approved a few years back and an abutters had concerned but stated Arista is wonderful to work with they did what they said they were going to do. Matt Smith, P.E..Bohler Engineering stated there is 2 way access except for route around building. He stated High Street has one way bypass lane by drive-thru. He stated off Cohannet Street left in left out and there is loading zone. Chairman Ackerman asked about the raised sland on Cohannet Street. Chairman Ackerman suggests moving shrubs to make it easier. Wayne stated this is a tough decision because of the busy intersection. He suggests left in and still has concerns with the conveyance of land to church for their parking. Atty. Gay stated that parcel will be conveyed only after they have paved it. There was some discussion about why that lot was on plans and if not conveyed what will be used for? Atty. Gay stated that there is an agreement that land would be conveyed after it has been paved. Chairman Ackerman suggests having Walgreens pave it for church. Atty. Gay stated they will be grading, and landscaping to site. Chairman Ackerman suggests locating the trees away from entrance. Ron Miller, traffic engineer stated the existing light is not working properly and they will fix that. Their study concluded that there will be 60 additional car trips during peak hours which consist of 18-34 trips on Winthrop Street, 19-23 trips on east of High Street and 7 trips on north west and 3 trips traveling west on High Street. They observed a maximum of a 4 car cue. He pointed out the existing signals at this intersection are not working properly they have same amount of “green” time. The applicant has agreed to work with the City during their review with the P.B. He suggests they can put down new pavement on High /Cohannet Street and paint centerline. They could provide some channelization along the approach of High Street. Wayne asked if they are willing to work with City and who pays for improvements. They have spoken with City Engineer and TMLP and they could contribute towards having lights work properly. It would be in their best interest to have the lights working properly. Joe stated he sometimes uses the Cohannet Street entrance/exit when he goes to the Elks. It was pointed out there are signs “no right turn” but people ignore them. Atty. Gay pointed out it’s the same as Hart’s 4 Corners. Chairman Ackerman asked about snow removal? Matt stated they would put it towards the rear. It was suggested limited the delivery times. Tom Butler, 208 Cohannet Street stated they need entrance off Cohannet Street because the other has been used at a cut through. Matthew Dias, Jack Donahue, & Mr. Lewis, Baptist Church, 61 Winthrop St. has some questions. He asked if there was anything comments from State Highway? He has concerned with trash removal, fencing, and retaining pool and drainage? Atty. Marc Antine, 63 Winthrop Street had some questions. He also owns a percentage of commercial property in area and was concerned about traffic. He is not against Walgreens he just had some concerns. He stated there would be more traffic from Walgreens than from the existing apartment house. There are 2 curb cuts there and they have been there for 100 years. Wayne asked Marc if he had any problems existing from his law offices? Marc answers he has no problem taking left out of his property and he has been there since 1988. He wanted to know if in the future if there would another curb cut fairly close to him? Atty. Gay agrees he has never seen any exit from the apartment house on Cohannet Street but they must use it. He stated there will be fencing per the Site Plan Review. Wayne asked if they will be working with DPW on correction signals at intersection? Joe has issues with the 29 spaces not part of this petition but shown on plans. He was wondering if people will have access thru that piece. Estele asked about exit off Cohannet Street and Mr. Muller answers they don’t expect people to use Cohannet Street. Dept. letters from City Planner, Conservation Commission, and Board of Health were read into the record.

Motion made and seconded to Grant with the following conditions:

- **Petitioner to work with the City on correcting the traffic signal at High Street & Winthrop Street.**
- **Drive-thru for Pharmacy Only.**

**Modify the existing landscaped island on the north side of the entrance from High Street.**

**Vote:** Vieira, Berube, Ackerman, Amaral, Borges. ..........Yes

**Petition Granted:**

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**Case # 3167**

**Souza**

**Filipe Way**

**Hearing held on April 11, 2013**

For: For a triplex in an Urban Residential District and Suburban Residential District on premises situated on the easterly side of Filipe Way,

For the petitioner: Atty. Matthew Costa, Gay & Gay, P.C., P. O. Box 988, Taunton, Ma.
Opposed: Mark Berman, 10A Harding St., Taunton, Ma.
Maria C & Louis Donnelly, 71 Eldridge St., Taunton, Ma.
Jacqueline Coute, 72 Eldridge St., Taunton, Ma.

In favor: Stephen Vanvoorhis, 373 Britton St., Raynham, Ma. owns property on Eldridge St.

Attys. Costa states they are requesting a Special Permit for a triplex dwelling on an unconstructed street but has a Roadway Improvement Plan approved by the P.B. The petitioner received an Order of Conditions from the Conservation Commission which has lapsed and needs another approval. This petition appeared before this Board in 2001 for a triplex but was denied. Attys. Costa stated due to the economy the Roadway Improvement was never done. The lot has 16,244 square feet with 247’ of frontage. Attys. Costa pointed out that due to the dead end street they don’t anticipate any traffic impacts. The petitioner has committed to doing the Roadway Improvements and extend utilities but needs to have triplex to make it work. His intention is to extend utilities so abutters can tie into utilities. Attys. Costa stated the P.B. approved Roadway Improvement Plan with conditions that must be complied with. The petitioner has committed to fencing along abutting property and extending the utilities. The plan shows 6 parking spaces on a dead end street. Joe asked if some work has been done out there? Attys. Costa answers no.

There has been some separate development out there on Eldridge Street. In favor: Steve Vanvoorhis, owns property on road and he’s in support and pointed out the developer builds nice homes. Opposed: Cecile Donnelly, representing Maria Donnelly, 71 Eldridge Street her 98 year old mother. She stated the petitioner states his reason for triplex is so he can afford to do roadways. If he can’t afford it then don’t impact the neighborhood with a triplex. Jacqueline Coute, 72 Eldridge St., stated both neighbors have tenants. She was also concerned with water problems and pointed out there are streams and lady slippers out there. She stated this will impact the neighborhood and they will lose their privacy and asks Board to deny. Joe informed the abutters the petitioner can build duplex as a matter of right provided he does the Roadway Improvements. Opposed: Mark Berman, 10A Harding Street. The Board again pointed out the petitioner can, by right, build duplex home and he’s only asking for one triplex on this one lot. Attys. Costa passed out a copy of the Roadway Improvement Plan and the Board asked him how many bedrooms they are proposing? Attys. Costa answers 2 Bedrooms each unit. Joe stated he might be better off building a large duplex home. Attys. Costa stated the Board can place conditions on approval and he argues the triplex and development of this lot will be a benefit to the neighborhood. Dept. letters from City Planner, Conservation Commission, and Board of Health were read into the record.

Motion made and seconded to Grant with the following conditions:

- Petitioner must implement all agreements made with abutters (Mr. Vanvoorhis) relative to fencing, plantings, sewer & water utilities and paving.
- Install fencing along Coute (72 Eldridge St.) property.
- The project shall follow the Planning Board’s requirements for subdivision surety to ensure completion of all work on site.
- Must comply with all conditions in the Planning Board’s Roadway Improvement Plan.

Vote: Vieira, Borges, Amaral, ..........No
Ackerman, Berube.........................Yes
Petition DENIED:

Case # 3168- Audlee Norton Avenue
Hearing held on April 11, 2013

For: A variance from Sec. 6.3 to allow a single family dwelling on a lot having 136.32’ of frontage (instead of 150’).

For the petitioner: Carol & David Audlee, 21 Roan Dr., Taunton, Ma.

Opposed: None
In favor: None

Mrs. Audlee stated they just purchased the old Hacketts greenhouse properties and combined them but short on the frontage requirement. They have 3.93 acres with 136’ of frontage instead of 150 feet of frontage. They are proposing to construct single family home and will be taking down large barn on the property. They have been looking for land for 2 years and they are happy to have found in it Taunton. No one in favor or opposed. Letters from the City Planner, Conservation Commission and Board of Health were read into the record.
Case # 3170  
AMR Services  
10 Ingell St.

Hearing held on April 11, 2013

For: A Variance from Section 5.2 of the Zoning Ordinance for a Service Use (Ambulance Service) in an Urban Residential District.

For the petitioner: Jeff Begin, AMR Services, 4 Tech Circle, Natick, Ma.

Opposed: Christopher & Michelle Menard, 24 Ingell St., Taunton, Ma.
Martha McDow, 18 Ingell St., Taunton, Ma.

In favor: None

Mr. Begin stated they are currently located at 64 Weir Street and they have trouble getting out due to the parking area. They have 70 ambulances and are a 24 hour 7 day a week operation. They are the sole emergency 911 serviced to the area and are required to have a certain response time. They wish to re-locate to this site, the former Marvel Oil Co. This site will eliminate any parking issues they currently have with the Sandbar, Bobby’s and Ugly Duckling patrons parking. The former oil company building is vacant and would not require much renovations and re-locating here would cut down on the vandalism and crime at that site. This site has easy access to Route 140 and 80% of the ambulances are non-emergency calls so they won’t need to have sirens on. The ambulances are staggered and come back at different time so there won’t be an abundance of traffic in and out. They would take left turn to head toward the Weir section. They MUST be centrally located to be within one mile radius of hospital and this site is perfect. Mr. Begin stated at night they wouldn’t need sirens on unless had to clear traffic. Joe stated the last applicant stated how many ambulances and times of the day they would be using site. Mr. Begin stated he wasn’t present at previous meeting, that gentlemen no longer works for AMR. Mr. Begin stated they have 8 trucks during the day and 2 emergency ambulances that run 24 hrs. a day 7 days a week. Estele asked if they need to put sirens on? Mr. Begin answers no need to and they operators are educated on that. They do put lights on but it most cases no need for sirens especially at night. Opposed: Martha McDow, 18 Ingell St. said they would like fence to prevent lights & sirens noise from interfering with her house. Opposed: Christopher Menard, 24 Ingell St., stated he’s a parent and currently there is a police officer on site. His concern is safety for the children in the area because it’s a residential area. He is also concerned with shift change and traffic impact. Opposed: Michelle Menard, 24 Ingell St., stated this road is highly traveled and she is concerned with the children’s safety. Mr. Begin stated they leave staggered between 6:00 AM and 10:00 (every hour) Steve asked about lights and sirens? He stated obviously there are instances when the sirens will have to be used. He is concerned with pedestrian traffic. He asked how many employees cars? Mr. Begin answers 30 employees, with 8 wheelchair ambulances, and 10-12 ambulances. They have their maintenance on ambulances done in Avon, Ma. Estele assumes there would be lighting on building and doesn’t want it to affect neighbor’s property. Chairman Ackerman suggests perhaps putting some kind of escrow monies aside for future fencing if needed by abutter? It was stated on the plot plan there would be no cars facing her house. Joe asked if he could create policy for drivers how to react when leaving and taking left onto Ingell Street. Mr. Begin stated there are no hospitals and medical facilities heading toward Weir Street so there would be less traffic going that way, unless there was an emergency. He stated there are a lot of transport ambulances who pick up people to take them to their appointments. Dept. letters from City Planner, Conservation Commission, and Board of Health were read into the record.

Motion made and seconded to Grant with the following conditions:

- No night crew parking in the direction of 18 Ingell Street
- Install fencing along side of 18 Ingell Street
- Outside lighting not to interfere with abutting properties.
- Revise parking to provide a minimum of a 24 feet wide two-way access from Ingell Street to side door and rear parking.

Vote: Ackerman, Borges, Amaral, Berube ..........Yes
Vieira.........................................................No

Petition Granted:
For: A Special Permit from Section 5.2 and a Variance from Section 6.3 of the Zoning Ordinance for Change of Use to Commercial (1st floor) and 2 Residential Units (2nd floor) on a lot having 4,216 sq. ft. (instead of 15,000 sq. ft.) front setback of 0 feet (instead of 15 feet) rear setback of 8 feet (instead of 10 feet) having 75% structure lot coverage (instead of maximum 40%) minimum side setback of 0 feet & 0.7 feet (instead of 5 feet)

For the petitioner: Terri Bernert, 8 Trescott St., Taunton, Ma.

Opposed: None
In favor: None

Ms. Bernert is requesting a waiver of the filing fees? She stated they appeared before City Council and they waived the building permit fees. Chairman Ackerman asked if we have waived the fees before and Ms. Bernert answers yes on other project and she greatly appreciated it.

Chairman Ackerman suggested reducing the fees to $225.00
Wayne made motion to reduce the filing fee to $225.00, seconded by Steve. All in favor. Ms. Bernert was very appreciative of the vote.

She stated they have purchased this property at auction and it's the former Steven's Backstage. The first floor consists of 3,000 square feet and second floor has 1,400 square feet which was used as a rooming house with 2 baths. The second floor is vacant and needs major renovations. They plan on keeping first floor commercial and second floor will be renovated for 2 apartments. They will renovate outside with sprinklers, HVAC, new roof and stucko siding but the existing footprint will remain same. They will be using grant monies for project and some funds from the development block grant. They will have private construction loan. They will be working with Dorsey Plumbing and Melo Construction. She stated this property will be back on the taxes. The Board asked her if she has any use on first floor yet and she answers maybe office space? Dept. letters from City Planner, Conservation Commission, and Board of Health were read into the record.

Motion made and seconded to Grant as Presented:

Vote: Ackerman, Vieira, Borges, Amaral, Berube ............Yes
Petition Granted:

OTHER BUSINESS:

Green Pines Town Homes - Hart St. Comp. Permit – Concerns.
Chairman Ackerman stated it has been brought to the Board's attention that a couple of units have sold and a deed showing the conveyance of the land that the project is on.
Chairman Ackerman read letter from the City Solicitor relative to this.
It appears they might be in violation of the Comp. Permit.

Motion made and seconded to notify owner (previous & new) by certified mail, regular mail and e-mail. Also direct them to Cease & Desist any work.

Wayne brought up the property on Winthrop Street that has a substantial amount of “junk” on their front lawn. He was informed by the Zoning Enforcement Officer that she is starting the legal process all over again. She stated the cargo container in the front yard is under the jurisdiction of the Police Dept. She stated there is no ordinance on “Yard Sales”. This site is constantly having yard sales and the yard is a mess. They don’t bring any stuff inside.

Forward letter to the Council to draft ordinance on yard sales.

Meeting adjourned at 9:45 pm.