

<p>Zoning Board of Appeals – Minutes July 25, 2024 Location: Town Hall, Moitoza-Petty Hearing Room Time: 5:00pm to 6:00pm</p>	
<p>Board Member Attendees: Antonio Carmo Chairman, Marc Oliviera Member, Meghan Connolly- Member</p> <p>Board Member Out: Lucas Tourgee Alt Member & Sal Botelho Alt Member- The board had a quorum.</p> <p>Attendees: Atty. Michael O’Shaughnessy, Atty. Richard Burke, David & Debra Barwick, Abutters of 11 Babbitt Way & Atty. Adam Costa.</p>	
Topic	Discussion:
Mail & Minutes:	<p>5:05pm- Antonio Carmo opened up the meeting, introduced himself and the Board members that were present.</p> <p>A motion was made by M. Oliviera for the Meeting Minutes, Bills, & Correspondence to be reviewed at the next meeting. M. Connolly seconded.</p> <p>Meeting Minutes: None</p> <p>Bills: None</p> <p>Correspondence: None</p> <p>Reorganization of the Board was tabled to the next meeting.</p> <p>No other New Business came in front of the Board at this time.</p>

Kevin Huerth, Trustee/ SKAL Beverages East, Inc 131 Padelford St. Map 20 Lot 22 40A Public Hearing	<p>5:05pm- Chairman Antonio Carmo opened the Public Hearing for Kevin Huerth, Trustee/ SKAL Beverages, East, Inc. 131 Padelford St. Map 20 Lot 22 requesting a modification of a Special Permit from 2017 to create a residential lot. The newspaper ad ran in the Taunton Daily Gazette on 7/8/24 & 7/15/24. All certified mailings were mailed out to abutters. The newspaper article was read into the record by the Chairman. There were no abutters present. Atty. Michael O'Shaughnessy of Middleboro, MA was present, he represents SKAL Beverages East, Inc. He showed plans to the Board. He explained in 2017 a Special Permit was issued to the applicant. In January he went in front of the Planning Board and it was suggested he should go back in front of the ZBA because they issued the initial permit. He would like to modify the plan under the January 3, 2017 Special Permit to create a single residential lot. The modification would remove Lot 2 from the Special Permit. The Special Permit would still be in effect for Lot 1. Everything will be staying the same. There is a Site Plan approval with the first Special Permit and he will have to go back to the Planning Board with a new Site Plan with the modification for approval. T. Carmo asked about the lot being used for residential, if it will be a conforming lot. Atty. O'Shaughnessy stated yes. All further reviewed the plans. The Chairmen opened the hearing to any abutters, there were no abutters present. Atty. Adam Costa asked about the existing structures on the property, Atty. O'Shaughnessy said there are pre-existing/non-conforming structures on the lot, there is not an issue. M. Oliveira made a motion to close the hearing. M. Connolly seconded. The Boards further discussed. All agreed there were no issues with the plans. M. Connolly made a motion to amend the Special Permit granted in 2017 consistent with the new current plans and submissions. Atty. Costa will write the decision for both Board.</p>
Ledir Rodrigues & Oziel Santos-Owner David Barwick- applicant 11 Babbitt Way Map 3 Lot 11 40A Public Hearing	<p>5:20pm- Chairman Antonio Carmo opened the Public Hearing for Ledir Rodrigues & Oziel Santos- Owner David Barwick- Applicant for 11 Babbitt Way Map 3 Lot 11 challenging an administrative decision by the Building Inspector relative to a certain property 11 Babbitt Way, Berkley. The newspaper ad ran in the Taunton Daily Gazette on 7/11/24 & 7/18/24. All certified mailings were mailed out to abutters. The newspaper article was read into the record by the Chairman. Many abutters were present. Atty. Richard Burke of New Bedford, MA was present, he represents David & Debra Barwick who live at 6 Babbitt Way. They are in front of the Board to appeal the Building Inspector/ Zoning Enforcement Officer's decision. The owners of 11 Babbitt Way are operating a business they call a farm. Atty. Burke passed out a copy of a letter he had sent to the Building Inspector along with copies of FB posts from the Rodrigues Farm page. He explained the issues and are they allowed to do what they have been doing, only should be operating a farm. There is no issue with them growing veggies and having horses. They should only be doing primarily agricultural; they do some but not all of what they do is agricultural. They are upsetting the neighbors, on their busy days there are over 100 or more cars going to the farm. The cars are parked everywhere. They are having entertainment with loud speakers, a lot of noise. It is an entertainment use, like a little amusement park. A request by the Rodrigues Farm for a Special Permit in 2021 to the Board of Selectmen was denied. The Building Inspector says it's agricultural use, the petting zoo is not the issue it is the other stuff they are doing. They are holding events, weddings, birthday parties, people stay for the day. There is no parking lot defined on the property. They do have food licenses/ permits with the Board of Health. Atty. Burke further discussed what was going on. They are not selling veggies; they are serving lunch. They built a deck with seating for food. There is a game area which is not agricultural that is occupied for the day. All the operations happening is overwhelming the cul-da-sac and they are seeking relief from the ZBA. M. Oliveira asked what permits they are under as of right now. There is no Special Permit, just have food permits from the Board of Health. M. Oliveira stated there are other farms in town that hold weddings, what permits do they have. Mr. Barwick stated it is like a Day Camp, they applied for a Special Permit they were denied and continue to do it.</p>

Rodrigues/ Barwick
Hearing Cont.

M. Oliveira asked how many acres the farm was. Mr. Barwick said there were 3 to 4 acres. Mr. Barwick showed a video to the Board of an Easter Egg hunt that was held to show it is commercial activity going on. Ray Hoxie 645 Berkley St. told the Board he thinks it's a day care during the day, they are burning trash saying they are burning corn stalks. They no longer have a dumpster. Lisa Hoxie 728 Berkley St. said there is a lot of traffic, a lot of stuff being brought in, she feels it's an educational facility. Mary Hoxie 645 Berkley St. stated she loves farming and animals, she just wants to enjoy the area, there is a lot of traffic and they speed. Frank Vaz 9 Babbitt Way showed pics from his phone with cars all parked in the horse corral. M. Oliveira asked how often are there many cars, abutters all answered every weekend. Lisa Hoxie told the Board they have police detail for all of their parties. Deb Barwick said she previously sent pics of their FB posts to Mr. Biszko of a Mother's Day brunch they had; she has been sending pics to him for 4 yrs. Atty. Adam Costa told all of the abutters any pictures or videos that were shown, the physical copies need to be submitted to the Board, they are now public record. M. Connolly asked if the Board members could go on a site walk. Atty. Adam Costa stated they can walk the site, but need permission from the owner to walk the site. Atty. Costa told the Board they would need to discuss further at the next meeting, there is a lot of information to be reviewed and also try to set up a site visit. M. Connolly made a motion to continue the hearing to 8/8/24. M. Oliveira seconded.

All Motioned the next meeting date will be 8/8/24

Motion to adjourn was made by M. Connolly @ 6:00pm

Signatures

1. Antonio Carmo

2. 

3. Meghan Connolly

[illegible]
