

Zoning Board of Appeals – Minutes

September 15, 2020

Location: Town Hall Annex Conference Room

Time: 7:00 to 8:00pm

**Board Member Attendees:** Marcus Baptiste Chairman, Jeanne Russo Alt Member, & Tony Carmo Alt Member

**Board Member Out:** James King Member- **The board had a quorum.**

**Attendees:** Atty. Matthew J. Costa, Russell Horgan, Daniel Moniz & Claire Moniz

| Topic          | Discussion:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| Mail & Minutes | <p><b>7:00pm-</b> M. Baptiste Chairman opened the meeting by introducing the Board and himself. T. Carmo made a motion to move the Minutes, Bills, &amp; Mail to after the Hearing J. Russo seconded.</p> <p><b>Meeting Minutes-7:30pm.</b> The meeting minutes from 7/21/20 were reviewed by the Board. J. Russo made a motion to approve the minutes as read. T. Carmo seconded.</p> <p><b>Bills:</b> The Secretary told the Board the Bills that were paid since the last meeting:<br/>8/24/20 Gatehouse Media was paid \$485.52 for the newspaper ad that was ran for Aronofsky of 744 Berkley St. for the Public Hearing.<br/>8/24/20 Empire Build was paid \$514.48 for the escrow balance on the file for Aronofsky of 744 Berkley St.<br/>9/9/20 Melissa Martin was paid \$139.07 for the escrow balance owed on the file for 66 Elm St. from 2/6/11.<br/>9/9/20 Component Properties Inc/ William Panos was paid \$313.52 for the escrow balance owed on the file for Kimbeck Realty Trust 18 Dillingham Ave from 5/12.</p> <p><b>Correspondence:</b> A letter from the Town Clerk was read into the record in regards to the ZBA expenditures revolving funds of \$5,000.00 that were voted on at Town Meeting. The Secretary informed the Board she followed up with CHAPA about the previous letter that was discussed. CHAPA is still offering their proposal. All p/w was submitted to the Selectmen.</p> <p><b>No other New Business came in front of the board at this time.</b></p> |



Russell Horgan,  
Daniel D. Moniz, &  
Claire M. Moniz  
37 Algerine St.  
Map 18 Lot 31  
40A Public Hearing

**7:05pm-** The Chairman opened the Hearing for Russell Horgan, Daniel D. Moniz, & Claire M. Moniz 37 Algerine St. Map 18 Lot 31 for several variance requests. The ad ran twice in the Taunton Daily Gazette 8/28/20 & 9/4/20. All certified mailings were mailed out to the abutters.

Atty. Matthew J. Costa of Gay & Gay P.C. 73 Washington St. Taunton, MA introduced himself, Russell Horgan, Daniel Moniz, & Claire Moniz to the Board. He told the Board he was representing him for this matter. Atty. Costa told the Board they would like to take the existing land and split it into two lots. Lot 1 has an existing 2 family home on it and is closer to the road. Lot 2 has an existing 1 family home on it. They are seeking to divide the property into two lots, so each of the dwellings has its own lot. Also, both houses have their own utilities and existing driveways. No new construction will be proposed. As to Lot 1 a variance is needed for a sideline set-back of 13.5ft. instead of the required 15ft. As to Lot 2 variances are needed to allow a sideline setback for an existing shed of 7.4ft. instead of the required 15ft, also a variance for frontage of 20.30ft. and lot width instead of the required 200ft. Atty. Costa explained to the Board the petitioners do have a hardship. One of the reasons is due to the shape of the land. The land is long and narrow and this would be the only way to split the property due to the shape. The By-Laws state there should only be one house per lot and to do this these variances would need to be granted. He also told the Board a Special Permit was granted in 1989 by the Board of Selectmen to allow these house to be built on this one lot. He had the minutes from this meeting in 1989 and it stated if the property was ever sold, the property would need to be divided for the sale. Another hardship is the family history. Mr. Horgan is now divorced and is no longer in the family anymore. He plans on retaining the ownership of Lot 2. Mr. & Mrs. Moniz plan on retaining the ownership of Lot 1. He feels there is no impact to the public because both of the houses are in the woods. He then said again the goal is to have one house on a separate lot and there are many reasons to ask the Board for the granting request. The Board further discussed. They all agreed the Town of Berkley By-Laws were in place before 1989. T. Carmo discussed with the Board and the petitioners about the land that is left off, he thought it is quite a lot of land. Atty. Costa explained the owners will have the ability to use the wooded area if they wanted. He feels there is a lot of wooded area in town and due the unusual shape it had to be split this way. M. Baptiste stated he doesn't have a problem with the proposal both dwellings are already there and limited options due to the wetlands.

The Chairman opened the audience to any questions, there were none. T. Carmo made a motion to close the hearing. J. Russo seconded.

The Board all further discussed and reviewed what was presented. They discussed all the variances being requested: Section 5A

Lot 1- Sideline Set-back for 13.5ft. instead of 15ft.

Lot 2 – Sideline Set-back for 7.4ft. instead of 15ft., Frontage 23.2 ft. instead of 200ft.,

Lot Width 23.3ft. instead of 181 ft., & Acreage 65,442 sq. ft. instead of 3 acres.

T. Carmo made a motion to approve the application as submitted and amended the motion to all variances being granted to be specific to Section 15 on the application and as shown on submitted plans.

J. Russo seconded. All in Favor.

All Motioned the next meeting date will be on 9/29/20

Motion to Adjourn was made by J. Russo @ 7:35pm.

Signatures

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