

Zoning Board of Appeals – Minutes  
October 25, 2023  
Location: Town Hall Hearing Room  
Time: 8:00pm to 10:00pm

**Board Member Attendees:** Antonio Carmo Chairman, Meghan Connolly Member, & Lucas TourgeeMember, Sal Botelho Alt Member

**Board Member Out:** Marc Oliviera- The board had a quorum.

**Attendees:** Atty. Caroline Smith, Pamela Leite, Amanda Leite Matthews, Amy Leite, Annabella Leanders, Atty. Mark Bobrowski, Joe Freitas, Tabitha McCrohan, Matthew Chabot, & Donna Leary

Topic	Discussion:
Luis Belchior-Owner/ Pamela J. Leite-App 1 Crystal Dr. Map 16 Lot 64-01 40A Public Hearing	<p><b>8:00pm-</b> The hearing was moved to the Moitoza-Petty Hearing Room. Chairman Antonio Carmo opened up the 40A Public Hearing for Luis Belchior- Owner/ Pamela J. Leite- Applicant 1 Crystal Dr. Map 16 Lot 64-01- The ZBA will hear the administrative appeal of the Building Inspectors denial of enforcement requests with regards to said property 1 Crystal Dr. The newspaper ad ran in the Taunton Daily Gazette on 10/6/23 &amp; 10/13/23. All certified mailings were mailed out to the abutters. The newspaper article was read into the record. The chairman stated the voting members would be himself, Meghan Connolly, and Lucas Tourgee. No abutters were present. The applicant Pamela J. Leite, Amanda Leite Matthews and Amy Leite were present. Atty. Caroline Smith from McGregor Legere &amp; Stevens Boston, MA represented the Leite's.</p> <p>Atty. Caroline Smith waived the Open Mtg. Laws due to the posting of only the Public Hearing notice. Atty. Smith introduced herself and her clients to the Board. She then proceeded with giving some history of the said property 1 Crystal Dr. The current owner is Luis Belchior. A denial letter from the Building Inspector was received on 9/26/23 and then an appeal was filed with the ZBA right after. The By-Law requirements were all reviewed and when a Public Records request was requested the found that there was No building permit for the pool house and shed on the property. The house should not had been built on the property and the well is only 20ft. and should be 30ft per the As-Built. The underground propane tanks violate the By-Laws- no building permit and the fire code it is not 10ft away from the pool house. All the findings are in the report submitted in the Atty's report. T. Carmo questioned is there an As-Built for the well and home, some of these issues are legally nonconforming after 10 yrs. Atty. Smith stated she does not have the As-Built plans, there is no info on the propane tanks of when they were installed, and the pool house/shed was installed 2021-2023. She told the Board possibly the homeowner has records and there is a Conservation restriction. M. Connolly asked about the building permit for the home. Atty. Mark Bobrowski said the Fire Chief should have the permit for the propane tanks. Atty. Bobrowski stated the references that Atty. Smith is speaking about are from the previous By-Laws, they are no longer in the current By-Laws.</p> <ol style="list-style-type: none"><li>1.) 100ft buffer is not relevant and Conservation restriction does not appear.</li><li>2.) Current buffer- Side-yard 15ft. regardless of the size of the lot-propane tank not sure</li><li>3.) House is well outside the setback- 100ft doesn't apply</li></ol> <p>Atty. Caroline Smith stated she disagrees, the new By-Laws are not in affect, Atty Bobrowski stated that is not true, the new By-Laws take affect at the Town Mtg. Atty. Smith stated once the By-Laws are approved by the AGO then it goes back to that date.</p>

Belchior/Leite –  
Public Hearing Cont.

She also disagrees with the 100ft. buffer, it does apply, she reads it differently. L. Tourgee stated he feels due to the time frame it is out of time. Atty. Bobrowski stated the building permit for the house was issued on 8/18/201, then he explained the laws, it is a nonconforming structure past 10yrs. Atty. Smith said as far as the pool house there is no permit- built btw 2011-2023, due to google images. Amanda Leite Matthews, here parents live at 79 Padelford St., stated she doesn't think the pool house/shed is 15ft. it is around 14ft. or 11ft. The size of the pool house is 192ft., the By-Law states needs permit for 120ft. or more. She told the Board the same shed is on Eastcoastsheds.com that is on the property, she can't go on the property.

T. Carmo then questioned if the ZBA has jurisdiction to hear this case. Atty. Bobrowski explained yes- building inspector denial. Atty. Smith told the Board the building inspector was asked to go measure and did not. Atty. Bobrowski told the Board they could ask for a continuation. Amanda told the Board she tried several times to get the building inspector to cooperate. Annabella Leanders was present for the Leite's she told the Board she purchased the buildable lot of 1 Crystal Dr. in 2002 and then was told it was a non-buildable lot in 2005. She then hired an attorney to have Mr. Belchior buy back the property, then years later he builds a house on the property. She was never able to get a building permit, but due to his actions he was able to get one. T. Carmo stated he would like to hear from the Bldg. Inspector. Atty. Bobrowski and Town Counsel told the Board they would need an Administrative Search Warrant to go on the property. Amanda Leite told the Board they could go on 79 Padelford St. property and eyeball it all. Atty. Bobrowski stated eyeballing it will not hold up in court. As far as the decision not to break up the applicant's appeal, all as one. All further discussed for a decision. Steps before tearing something down was discussed. Building Inspector would have to issue a Cease-and-Desist Order. Atty. Smith stated the owner got notice of the meeting and is not present. It was also discussed the decision starts with what By-Law applies. M. Connolly asked about the By-Laws when the house was built. 2011 By-Laws were submitted. The Board all agreed it is past the 6 or 10yrs for the residence. Selectman McCrohan commented about all houses should have a 100ft. buffer and Selectman Freitas commented the Board of Health should have the information of the well. T. Carmo then stated the two issues are the Propane Tanks and the pool house/shed. Atty. Smith stated the Relief they are looking for is all in the applicant's report. Atty. Bobrowski told the Board to divide the case into each issue under one decision, he is coming back on 11/9/23 if the Board wants to get things in order from the Bldg. Inspector. T. Carmo stated it would be a big expense for the Town to enforce this. Atty. Bobrowski stated By-Laws Sec 14- ZBA makes orders or decision. L. Tourgee stated not having the permits is serious issue. They all agreed everything to decide on: House, Pool house/ Shed, propane tank, driveway, and well. The Pool was installed on 6/5/23 with a building permit. As far as the house, well, and driveway all past 10yrs. The main problems are the propane tanks and the pool house/shed. Is the pool house/shed within 15ft. and is the propane tank within 15ft. and do they have building permits. The Board further discussed they could have the owner get the permits, get zoning relief, and fire code with the propane tanks. L. Tourgee stated no permits they are in violation. Atty. Bobrowski then referred to other cases with the Board. The Board decided to continue the hearing. M. Connolly made a motion to continue the hearing to 11/9/23 at 7:30pm in the Moitoza-Petty Hearing Room. L. Tourgee seconded.

	All Motioned the next meeting date 11/9/23 @ 7:30pm.
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	Motion to adjourn was made by L. Tourgee @ 9:43pm
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Signatures

1. Sal Botelho

2. Antonio Carmona

3. Meghan Connolly


<p>1. <b>Identify the main components of the system.</b></p> <p>2. <b>Describe the function of each component.</b></p> <p>3. <b>Explain the interactions between components.</b></p> <p>4. <b>Discuss the overall system architecture.</b></p> <p>5. <b>Summarize the key findings and conclusions.</b></p>
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