Zoning Board of Appeals – Minutes
April 5, 2022
Location: Town Hall Annex Conference Room
Time: 6:00 to 7:00pm

Board Member Attendees: Marcus Baptiste Chairman, Jeanne Russo Member, Tony Carmo Alt Member, Marc Oliviera Alt Member, & Lucas Tourgee Alt Member

Board Member Out: None - The board had a quorum.

Attendees: Barry Costa Sr., Mr. & Mrs. James King, and another abutter

Topic	Discussion:
Mail & Minutes	**6:00pm**- M. Baptiste opened the meeting by introducing the Board and himself. The meeting minutes from 12/7/21 were reviewed by the Board. T. Carmo made a motion to accept the minutes as read. J. Russo seconded. A motion was made by T. Carmo to move the 3/8/22 minutes, bills, and correspondence to the end of the meeting. **6:30pm**- The meeting minutes from 3/8/22 were reviewed by the Board. T. Carmo made a motion to accept the minutes as read. M. Oliviera seconded. **Bills**: A bill for Gatehouse Media for Ricardo 1 Ricardo Way Map 16 Lot 98-5- Newspaper Ad $447.44 the ad ran on 1/14/22 & 1/21/22 bill was paid on 3/16/22. A bill from Atty. Mark Bobrowski for services via zoom for Ricardo 1 Ricardo Way Map 16 Lot 98-5 was paid on 3/16/22 in the amount of $425.00 **Correspondence**: Plans for Common Crossing 11 North Main St for a proposed addition, were reviewed and discussed by the Board. As of right now the file is continued with the Planning Board. Secretary told the Board another application came in for a variance. **No other New Business came in front of the Board at this time.**

Barry Costa Jr./ Barry Costa Sr. 16 Algerine St. Map 18 Lot 45 40A Public Hearing	**6:05pm**- Chairman Marcus Baptiste opened the 40A Public Hearing for Barry Costa Jr. / Barry Costa Sr.16 Algerine St. Map 18 Lot 45 requesting a variance for a side-yard setback to build a garage. The newspaper ad ran in the Taunton Daily Gazette on 3/18/22 & 3/25/22. All certified mailings were mailed out to the abutters. Mr. Barry Costa Sr. came in front of the Board. A few abutters were present. Mr. Baptiste presided. The petition, plan, and the submissions were reviewed by the Board. Barry Costa Sr. introduced himself to the Board. Mr. Costa told the Board he would like to construct a 30ft. wide x 40ft. deep pole barn/garage. He would be using this barn for storage only. He will not be using it to repair anything in it. When he originally read the requirements for the setbacks, he did not realize due to the amount of acreage he has (which is 2 acres) that he would need 30ft. of a side-yard setback instead of the 15 ft. setback. He had already put up a cement retaining wall before he was told he needed the 30ft. setback instead of the 15ft. setback. He then was told he needed a variance. He needs a side-yard setback variance for 15.1ft. The Board asked Mr. Costa questions about the property and where the pole barn would be built. T. Carmo asked if there were any wetlands on the property. Mr. Costa stated he knows there are no wetlands on his property, but he cannot answer for any other properties near him. The Chairman discussed with the Board and everyone else about the Zoning By-Law situation. He had said years back he had discussed the issue about setback requirements for different acreage amounts with Atty. Mark Bobrowski. They both agreed the Town of Berkley only has 1 residential zone and should have one amount of setback requirements, not to base it on how much acreage. He said they both discussed the Zoning By-Laws do need to be cleaned up. M. Oliviera said that is currently being discussed now with the Boards and Atty. Mark Bobrowski. The Chairman told the Board as of this hearing this is how the Zoning By-Laws are written, so Mr. Costa will need a variance for a 30ft. setback and not a 15ft. setback. Chairman Baptiste stated Jeanne Russo, Tony Carmo, and himself would be voting at this hearing. The Chairman opened the hearing to the abutters for any questions or comments. James King of 32 Grinnell Street asked the Board to see the plans. Mr. King and Mr. Costa went up and looked at the plans and further discussed with the Board. Mr. King stated he did not have any other questions and that he had no problem with the plans or the project. He would like to pay for a copy of the plans and the file. He will contact the Secretary tomorrow. T. Carmo made a motion to close the hearing. J. Russo seconded. The Board further discussed. T. Carmo and M. Baptiste stated they are both in favor. M. Baptiste said basically due to the Zoning By-Laws a variance is needed. T. Carmo made a motion to approve the application for the variance for the side-yard setback of 15.1ft. J. Russo seconded. M. Baptiste had to leave the meeting early. T. Carmo made a motion to release M. Baptiste from the meeting, the other Board Members will take over the mtg mins, bills, correspondence, and any other further discussion. M. Oliviera seconded.
	All Motioned the next meeting date will be on May 3, 2022 @ 6:00pm Motion to adjourn was made by T. Carmo @ 6:45pm
Signatures	1. 2. Jeanne Russo 3.

Antonio Carmo