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**Town of Norton
Zoning Board of Appeals
Minutes of Meeting Held on September 14, 2022**

The September 14, 2022 meeting of the Zoning Board of Appeals was held in person at the Norton Media Center and remotely via the ZOOM platform, provided for interested parties and members of the public as noticed.

The meeting was called to order at 7:08 p.m. by Tom Noel, Chair. Members participating were Mr. Lukasz Wasiak and Mr. James Tenore. Also, in attendance is Zoning Board Secretary, Bryan Carmichael and Building Commissioner, Nicholas Iafrate.

The meeting was recorded and made available to the public on the Norton Media Center YouTube page.

Continued Public Hearing – Variance

ZBA File No. 15512

Property Address: 6 Boutas Drive

Applicant/Owner: Jeffery and Denise Luciano

Mrs. Denise Luciano of 6 Boutas Drive is present to speak on the application. Mr. Noel asks to confirm they are the owner. Mrs. Luciano states she is. Mr. Noel states that while not on the application he has confirmed the property is in a R-80 zone. Which means that the property would need a variance and a finding under 175e for a R80 zone with 30000 square feet which would be undersized. Mr. Noel states that the applicant is looking to add a garage to the house, the structure plan would be 26 feet off the left side plot line and 48.1 feet from the front. Variances are required for the two setbacks one for side and one for front and for being undersized will need a finding as well as it would be a change to a pre-existing non-conforming use.

Mr. Noel asks if the proposed addition is a garage connected to the residence. Mrs. Luciano confirms it is. Mr. Noel states that the plan of record is dated June 14, 2022 by Trowbridge Engineering. Mr. Noel states that the side yard setback would go from the required 35 feet to 26 feet and the front yard setback to 48.1 feet when 50 feet is required.

**Motion to close the public hearing is made by Mr. Tenore and seconded by Mr. Wasiak.
Roll Call; Mr. Tenore Yes, Mr. Wasiak Yes, and Mr. Noel Yes.**

Motion to grant a variance to reduce the side yard setback from 35 feet to 26 feet and the front yard setback from 50 feet to 48.1 feet is made by Mr. Tenore and seconded by Mr. Wasiak. Roll Call; Mr. Tenore Yes, Mr. Wasiak Yes, and Mr. Noel Yes.

Motion for a Finding under 175e that the addition on the plan submitted for the record will not be more detrimental to the neighborhood in terms of noise, light, odors, and other factors is made by Mr. Tenore and seconded by Mr. Wasiak. Roll Call; Mr. Tenore Yes, Mr. Wasiak Yes, and Mr. Noel Yes.

Continued Public Hearing – Variance

ZBA File No. 15929

Property Address: 6 Todd Drive

Applicant/Owner: Keith and Linda Arnold

Applicant is seeking get a variance to allow for the modification of the location of the proposed garage as shown on the ZBA application 8221.

Mr. Noel explains that this project had to be resubmitted and that it had been a detached garage but in a different position from what the plans for it depict. This project had originally been approved in June 2021. Mr. Noel asks Mr. Iafrate about the footing on firm ground and how this affected the property. Mr. Iafrate states that when they started to dig a hole for the foundation, they determined the soil wasn't suitable for to have the garage there and they have resubmitted their application with the relocation pushing the garage further into the backyard. Mr. Keith Arnold and Mrs. Linda Arnold are present to speak on the application.

Mr. Noel asks if soil conditions are something that does happen. Mr. Iafrate states that it is not a common occurrence but it does happen. Mr. Noel asks if any variances need to be granted. Mr. Iafrate states that there shouldn't be as the previous decision had it off of the property line and the resubmitted plan is far enough away from the property line that they don't need a variance. Mr. Noel states that that they have revised the plan through April 19, 2022 which shows a 12-foot side yard setback and in the back 17 feet when only 10-feet are required for the attached structure. Mr. Noel explains that they can't just approve them to move the garage as under 175e that it is a change to a pre-existing non-conforming lot and would need to do another finding for the new change and that it will not be more detrimental to the neighborhood. Mr. Arnold states he understands the reason for coming back to the Zoning Board.

Mr. Carmichael states that a question from the Zoom meeting is whether or not the garage will be used for business purposes. Mr. Arnold states that the garage will be used for personal not commercial. Mr. Noel adds that it is also in a residential zone and most business uses would not be allowed there.

Motion to close the public hearing is made by Mr. Tenore and seconded by Mr. Wasiak. Roll Call; Mr. Tenore Yes, Mr. Wasiak Yes, and Mr. Noel Yes.

Motion for a finding under 175e that the plan of record will not be more detrimental to the neighborhood and surrounding community than what exists now or what was approved previously is made by Mr. Tenore and seconded by Mr. Wasiak. Roll Call; Mr. Tenore Yes, Mr. Wasiak Yes, and Mr. Noel Yes.

Public Hearing – Variance

ZBA File No. 15968

Property Address: 120 Mansfield Avenue

Applicant: VHB, Inc.

Owner: The Town of Norton

Mr. Scott Lindgren from BHV is present to speak on the application. Mr. Lindgren states he printed out the PowerPoint for the ZBA to view while he goes through it. Mr. Noel asks if only the one plan sheet that is more attention to the parking spaces. Mr. Lindgren states it is a clarification on the parking as the original application was for a variance for parking capacity and when they were applying the zoning parking regulations and there were notes put on the plans for utilizing the occupancy space of the building as a senior center is not a category under the Zoning Bylaw. Mr. Lindgren states that was his mistake for the interpretation as they didn't show a fire code building occupancy versus a use study or class study for each of the rooms and how much square footage and parking spaces would be needed under the zoning regulations. Mr. Noel asks what the number of parking spaces was. Mr. Lindgren states it was 168 parking spaces and after reviewing the plans with the design team Mr. Michael Viveiros from DVBW Architects who is also present and reviewing the information from the Council of Aging to understand what the parking needs were and the room-by-room calculations were added as supplemental material. Mr. Noel asks to confirm that there is a reduced number of spaces that would be required. Mr. Lindgren states yes and by looking at the class uses and the space count in the zoning regulations to come up with the 80 parking spaces.

Mr. Noel asks how big the building is. Mr. Lindgren states it is 11900 square feet. Mr. Noel explains that in the letter given by Mr. Lindgren that the parking lot is divided by the different uses which each give a different number of spaces required and asks if this is how it is done. Mr. Lindgren states it is how it is explained in the zoning code as an alternative to specific class uses and it is a common use in other communities. Mr. Noel asks what the number of chairs available means and if it means a large number of people could occupy the building. Mr. Lindgren states it is for the special use seating for the multi-purpose room which is interior to the building that has a seat above 110 seats and under the zoning code a space of that nature would be one parking space for every four seats which is how the 28 special spaces were calculated.

Mr. Noel states that the Senior Center will be at 120 Mansfield Avenue and asks if the current residence is abandoned. Mr. Lindgren states that once was a residential property that the Town of Norton now owns the property. Mr. Viveiros states that there was also a small commercial building in front of the property that was for wood working. Mr. Noel states that property is zoned Village Commercial which allows for both residential and commercial structures. Mr. Lindgren states that the variance will be from 80 parking spaces to 59. Mr. Noel asks if the Planning Board has been reached out to yet to review. Mr. Lindgren states that they are in the process of going through the Planning Board and have had a meeting with them and have been continued to September 20th for traffic and parking clarification. Mr. Noel states that this would be subject to Planning Board special permit. Mr. Lindgren states that the Senior Center is a by right use and would only need a special permit for the drive-through. Mr. Viveiros states that the drive through is for residents in need with free meals during the day usually around lunch time. This was done as a pre-caution for the non-commercial drive through window. Mr. Noel asks if all that is needed from the Zoning Board is the amount of parking spaces at the Senior Center. Mr. Lindgren states that is correct. Mr. Noel asks if there is anything else that the applicant would need from the Zoning Board. Mr. Lindgren states that this would be the only thing that the Zoning Board would have to look at and are not expecting any more variances.

Mr. Tenore asks if there has been any information given from the Council of Aging on the amount of parking prior to Covid. Ms. Beth Rossi the Director of the Council of Aging is on call and the amount of parking was about 20 spaces for the capacity, 12 or 13 next to the building with two handicapped spaces and then 8 or 10 in the back. Other parking places including Norton House of Pizza parking area, the overflow lot next to the CVS behind the electric company, and had to write a grant to rent out the VFW which has plenty of spaces as of right now. Mr. Tenore asks how does the reduction from 80 to 59 impact the Senior Center to avoid parking on Route 140. Ms. Rossi states parking will always be an issue and there will be those who carpool. Mr. Noel states that it will be an increase from the current parking spaces on the property. Mr. Wasiak states that this is a multi-use project and it should have the as many parking spaces as possible. Mr. Tenore states that there are about twenty spaces being used at the senior center and asks how much space is being rented out. Ms. Rossi states that space is being rented out to the VFW because the programs being offered have outgrown the current senior center and are in need of the new building. Some of the larger programs like bingo have up to 50 people in attendance and a lot of them carpool so it is doable.

Mr. Noel asks what the lot in the back of the current senior center. Ms. Rossi states that is a part of the mentioned 20 spaces and then there is a municipal lot that is behind the electrical wires next to CVS which is used. Mr. Noel states it is a big parking area and is a town owned lot. Mr. Wasiak states that the lot is new. Ms. Rossi states that the area was behind the school garage and that was expanded upon.

Mr. Tenore asks Mr. Lindgren about the greyed-out section on the plan. Mr. Lindgren states it is still parking pavement. Mr. Noel asks how big the current senior center is. Mr. Wasiak estimates it to be 2000 square feet. Ms. Rossi explains that the senior center used to be a one-room school house from the 1800s. Mr. Tenore states that it would be hard to put in more parking spaces. Mr. Lindgren states that the property has a wetland resource to the rear that is adjacent to the Norton Reservoir and have closed the hearing with the Conservation Commission. With the utilities if there were more spaces added to the parking area than it would be encroaching onto the environmental buffer zones to the back end of the property.

Mr. Noel asks what is on either side of the property. Mr. Wasiak states Subway is to the right. Mr. Lindgren states on the other side is a residential single family. Mr. Noel asks if they think that parking will be an issue in the future also and notes that the applicant in the plans compared the proposed senior center to other senior centers and the size of their building and parking spaces. Mr. Lindgren states he wanted to show the decision-making points of coming up to the agreement and it seems in range to other facilities with similar sizes. Estimated trip generation and parking generation were made with the model of a community recreational center as senior center data was unavailable. Mr. Lindgren states he feels that the proposed senior center is within range of the other senior centers that are used as examples.

Mr. Noel asks what the traffic study issue is with the Planning Board and if they could change or encroach the plans the Zoning Board is seeing. Mr. Lindgren states that traffic study was warranted for two things the first being making sure the entrances to the senior center were safe and adequate as they go out into Route 140 and to make sure the traffic wasn't going to cause issues at the location. Additionally, the project requires a permit from MassDOT because it is a state highway and need to do a traffic study for them as well to show the curb cuts alterations. Mr. Lindgren adds that they are not expecting any modifications to the parking area when they are doing the traffic study. Mr. Lindgren states that they are working through the questions and comments made by the Planning Board but nothing to alter the amount of parking spaces on the plan.

Mr. Tenore motions to close the public hearing and is seconded by Mr. Wasiak. Roll Call; Mr. Tenore Yes, Mr. Wasiak Yes, and Mr. Noel Yes.

Mr. Tenore states he is fine with the number of spaces the applicant presenting as there is nowhere else, they can get more. Mr. Wasiak agrees stating while he would want more the space is landlocked. Mr. Noel states that 59 spaces are a lot and seniors do carpool and if there could in the future be an arrangement with one of the neighboring commercial properties to let the senior center use parking. Mr. Wasiak states that there could be overflow parking on the right of the

dumpster in the back and suggests moving the dumpster but there is no need to change the plans or request revisions.

Motion to approve the variance for the number of parking spaces from the estimated requirement of 80 spaces for the use to 59 spaces as shown on the plan is made by Mr. Tenore and seconded by Mr. Wasiak. Roll Call; Mr. Tenore Yes, Mr. Wasiak Yes, and Mr. Noel Yes.

General Business

A bill for the Sun Chronicle is presented as the final payment of the overdue Zoning Board bill.

Mr. Tenore motions to approve the payment of the bill and is seconded by Mr. Wasiak. Roll Call; Mr. Tenore Yes, Mr. Wasiak Yes, and Mr. Noel Yes.

Future meeting dates are discussed and decided on October 19th, November 16th, and December 14th.

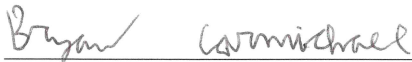
The Zoning Board are fine with the minutes that Mr. Carmichael has written up to this point.

Adjournment

Motion to adjourn at 7:57 by Mr. Tenore and seconded by Mr. Wasiak. The Zoning Board of Appeals all vote unanimously to end the meeting.

Minutes contemporaneously typed by: Bryan Carmichael, Administrative Secretary for the Planning and Zoning Board of Appeals.

Edited and Respectfully Submitted,



Bryan Carmichael
Administrative Secretary, Norton Zoning Board of Appeals

Approved by Committee on: June 21, 2023



Thomas R. Noel, Chair