



RECEIVED  
NORTON TOWN CLERK  
2019 AUG 29 A 8:42

**Zoning Board of Appeals  
Meeting Minutes  
July 31, 2019**

The July 31, 2019 meeting of the Zoning Board of Appeals was held in the Board of Selectmen's Meeting Room and was called to order at 7:03 p.m. by Mr. Thomas R. Noel, Chairman. Members present: Mr. Allen Bouley and Mr. David Wrenn. Members absent: Mr. Lukasz Wasiak and Mr. James Tenore. Also in attendance were Paul DiGiuseppe, Planning Director, Amy Kwesell, Town Counsel, and Chris Carmichael, Building Commissioner.

**Variance 19-17: 34 Elm Street – Continued from Previous Meeting**

**Motion to take item from the table for further consideration made by Mr. Wrenn, second by Mr. Bouley. All in favor.** Ed Levine, applicant, and Mohammad Farid, owner, presented the application. A properly stamped plan was provided to the Board. The owner has only the car titles and the cars are not registered or insured. Applicant states he owns 13 cars and that the batteries are disconnected. Discussion ensues regarding the height of the structure and whether the request falls under Bylaw 1.5(e). Jonathan Drobnis, an abutter, states this project will be detrimental to his property as the structure is near his property line. He is also concerned about establishing precedent. Town Counsel recommends a condition that applicant provide an affidavit that he owns title of cars and must notify the Building Commissioner if cars are added or sold. Building Commissioner Carmichael states the structure does not have to be 2 stories. The Board discusses whether the use and size are subordinate to the primary structure.

Member James Tenore arrives at 7:54.

Applicant is planning to relocate trees to the property line to create screening. Applicant will ask designer concerning lowering the height of the structure and will revise plan by relocating structure to back end of the property, if possible. Applicant provides a written extension for the period of time in which the Board must render a decision, to September 30, 2019.

**Motion to accept the extension letter and to continue the public hearing to August 28, 2019, made by Mr. Wrenn, second by Mr. Bouley. All in favor. Motion passes.**

**Matter 19-09: 131 Taunton Avenue - Continued from Previous Meeting**

**Motion to take item from the table for further consideration made by Mr. Bouley, second by Mr. Wrenn. All in favor.** William Brandon, applicant, and his counsel, Mathew Costa and Thomas Gay, present. The applicant states the Order of Conditions was extended by the Conservation Commission. Mr. Carmichael states the only open permits are on the accessory structures related to the farm and it is up to the Board to make a determination on the principal

structure. Mr. Carmichael is concerned about the commercial use built into the residential structure which is 59% of the total structure. Mr. Noel states that he and Mr. Tenore conducted a site visit on July 8, 2019 and both observed what they believe is a working farm.

Applicant states the intended use is not commercial but agricultural. Ms. Kwesell recommends that the board determine how the square footage will be used. Applicant states the 59% will be used for agricultural uses such as tractors. Mr. Carmichael points out the building code does not allow residential in an agricultural use. The Board discussed concerns about the size of the structure and what could be stored there. As the kitchen on the second floor has been eliminated, the proposed structure no longer contains two residential units. The Dover Amendment applies to agricultural uses. Applicant provides letter to the Board agreeing to extend date to render decision to August 14, 2019.

**Motion by Mr. Tenore to close the public hearing. Second by Mr. Wrenn. All in favor. Motion passes.**

**Motion by Mr. Wrenn to accept the letter from applicant extending decision date to August 14, 2019. Second by Mr. Tenore. All in favor. Motion passes**

**Motion by Mr. Tenore to “overturn” the Building Commissioner’s findings as contained in his Denial Letter of February 20, 2019, insofar as, despite conditions that existed at times preceding the Building Commissioner’s Denial Letter, which were supported by significant evidence and accurate observation, the Board now finds that conditions at the parcel and Applicant’s testimony indicate the property is being used for agricultural purposes, insofar as the proposed principal structure shall contain only one residential unit and that other areas of the structure shall be used for and dedicated to incidental agricultural purposes in support of the on-site farm operation. It is the explicit intent of the Board that the property existing within the Residential-60 zone not be used for commercial use not associated with the described agricultural activity. Second by Mr. Wrenn. All in favor. Motion passes.**

**Motion to approve the June 26, 2019 minutes made by Mr. Wrenn. Second by Mr. Tenore. All in favor. Motion passes.**

**Motion to adjourn at 9:34 made by Mr. Tenore. Second by Mr. Wrenn. All in favor. Motion passes.**

Minutes prepared by Paul DiGiuseppe, Director of Planning and Economic Development.

Respectfully Submitted,



Thomas R. Noel  
Chair, Norton Zoning Board of Appeals

Approved by Committee on August 28, 2019