



**TOWN OF NORTON**  
**ZONING BOARD OF APPEALS**  
70 East Main Street  
Norton, Massachusetts 02766-2320  
Office: 508-285-0278  
Fax: 508-285-0277

NORTON TOWN CLERK  
MAY 10 2010  
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**MINUTES**  
**Meeting of March 10, 2010**

**I. Call to Order**

The March 10, 2010 scheduled meeting of the Zoning Board of Appeals was called to order at 7:30 p.m. in the second floor meeting room in the Norton Municipal Center by Chairman Thomas Noel, with the following members present: Thomas Rota, and Alternates Nitin Choksi and Frank Reynolds; David Sharpe was absent.

**II. Paul Barron, Lincoln Street, 010-007**

Present at this hearing was Atty. Henry Sousa and Paul Barron. Present use of lot is vacant lane. Proposed use is single family home. When property was created, lot was conforming under the zoning requirements then in effect. Applicant purchased property with intention of building new home on property; sold his home on adjacent lot. Construction was delayed and zoning requirements changed for this district; lot no longer buildable. With financial hardship, applicant seeks variance for frontage and area. Property acquired 4/19/00.

ZBA received memo dated 3/10/10, from Conservation Agent, Jennifer Carlino, stating property contains extensive wetlands not yet verified by the Conservation Commission. Property may require permit under the Mass. Wetland Protection Act. Also, property is within a Priority Habitat area and will require permit from Natural Heritage and Endangered Species Program under Mass. Endangered Species Act.

Atty. Sousa submitted ANR plan from Planning Board.

Current tax bill shows property as a buildable lot. Mr. Barron had property perced; found out now no longer a buildable lot.

Original lot was 11 ½ acres, lots 1, 2, and 2A. Applicant built a house on Lot 1 and subsequently sold it. Lot 2A was perced (53 Lincoln St); house built. Applicant bought Lot 2 in 2000 under old zoning bylaws. Zoning has since changed 6.10.2 frontage and 6.10.1 for area.

ZBA at this time is only concerned with a frontage variance; applicant then has to appear before Conservation Commission. Mr. Barron cannot set site for the house or the septic system before the appearance before Conservation.

**Automatic motion for approval.** No one present for or against this application.

Shannon Ribeiro, 53 Lincoln Street (Lot 2A) was present and concerned about the water table. Atty. Sousa added that pre and post development run-off is to remain the same with no water run-off going onto abutting properties. Mr. Barron believes that the land contours away from the abutting property.

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Alternate ZBA member, Mr. Choksi, will replace Mr. Sharpe as the third voting member.

**Motion by Mr. Rota to grant a variance of the Table 6.2 frontage requirement of 150 sq feet to 62.52 sq feet as shown on the Plan dated 4/17/98, due to the hardship of zoning changes made after purchase of this property; ZBA has not addressed Lot Shape Factor, proposed dwelling position and Wetlands boundaries; second by Mr. Choksi; all in favor.**

A letter will be drafted to Conservation and Building Inspector outlining that the only variance granted on this property is frontage only.

### General Business

The Board spoke with Conservation Agent, Jennifer Carlino, regarding Mr. Barron's application.

Letter received on new ethics rules from the Town Clerk's office.

Letter received from Dominic Texeira, Patten Road. Application filed with the Town Clerk's office on 4/21/09 for variance from dimensional requirements of Table 6.2 to allow construction of a single family dwelling. Mr. Texeira is seeking a six month extension.

**Motion by Mr. Rota to grant the extension of application of Dominic Texeira, 09-001, on Patten Road, for 6 months from variance dated 4/21/09 to 10/21/10; second by Mr. Choksi; all in favor.**

Letter received from Department of Housing.

**Motion to approve minutes of 1/12/10 and 2/2/10 by Mr. Rota; second by Mr. Choksi; all in favor.**

Next meeting is 4/7/10.

Clerk announced she will be retiring on July 30, 2010.

**Motion to adjourn at 8:30 p.m. by Mr. Rota; second by Mr. Choksi; all in favor.**

Respectfully submitted,

  
SUSAN TOMASE  
Zoning Board of Appeals Secretary

Date: 5/5/10