



TOWN OF NORTON
ZONING BOARD OF APPEALS
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NORTON TOWN CLERK
JUN 14 2010
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MINUTES
Meeting of April 7, 2010

I. Call to Order

The April 7, 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, David Sharpe and Alternates Nitin Choksi and Francis Reynolds.

II. Edward Breault, 23 King Phillip Road, 010-008

Application for Section VI finding to alter a non-conforming structure in an R-80 zone. Present was applicant Edward Breault. Mr. Breault stated that the house is already constructed. He met with current Building Inspector who stated that a variance was needed. Prior Inspector said no variance was needed to alter the non-conforming structure, because there was less area being used and was further away or the same distance from the lot lines.

On the plan, black line shows the original foot print of original structure. Red line shows what is currently on the parcel; part of the original foundation was used. Mr. Noel stated that the property was purchased in 1971 before zoning. Mr. Breault did not live in the original structure. Home was occupied two years prior to receiving permit from Inspection. The submitted plan was signed, but not dated.

Parcel was divided in 2004; there were 2 houses on 1 lot and 1 house on another lot. Applicant appeared before Planning Board with new surveyed plans and was given an ANR granting three new lots.

Mr. Breault is selling the house and needs approval for the alterations per the current Building Inspector.

Memo received from Mr. Butler, current Building Inspector, on 3/15/10. Current home is unfinished and potential buyer requested that the building permit be put in the new owner's name; this brought the matter to the attention of Mr. Butler as an alteration to a non-conforming structure. Permit dated 8/29/06 has expired but is renewable.

Memo received dated 4/1/10 from Board of Health to ZBA re: connecting to Town sewer. This structure is not connected. Mr. Breault stated that the building is under construction. He has an older memo from BOH 2/14/08 – stating that when the three properties of Mr. Breault's on these parcels are sold, they will be connected to the Town sewer.

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Mr. Sharpe suggested a new permit should be applied for. Conservation letter dated 4/5/10 received stating that property is located in flood zone and wetland and within a Priority Habitat. Wetland permit has expired.

No one present to speak in favor of or in opposition to the application.

The Board requires a stamped and dated plan of proposed changes; applicant did not present one. **Motion to continue hearing of 23 King Phillip Road to 5/4/10, at 7:30 p.m. by Mr. Rota; second by Mr. Sharpe; all in favor.** Chairman Noel will issue a memo to the Building Inspector asking if a new building permit will be issued if this application is approved.

III. Tom George, 25 Rumford Road, 010-009

Mr. Noel and Mr. Sharpe both recused themselves from this hearing. Mr. Rota appointed as chair pro tem. Mr. Choksi and Mr. Reynolds are appointed as voting members for this application.

Variance requested for relief of area setbacks and Section 6 finding for alteration of a structure on a non-conforming lot of 15,000 sq ft in an R-60 zone. Side-yard setback requested is 15.5 feet; 25 feet is required. Mr. George present; bought property in 2003 as an investment. Applicant would like to convert the single family house to a duplex with 3 bedrooms. There would be a common entrance of 10.17 feet. There is currently no entrance to the basement. He would need a special permit if granted this variance.

Mr. Rota is concerned with granting a variance for such a large addition in this area of town. Mr. George added that he could make the entrance narrower if needed. A new plan would be required for this adjustment.

Motion to continue hearing by Mr. Choksi for 25 Rumford Road to May 4, 2010, at 7:31 p.m.; second by Mr. Reynolds; all in favor.

Mr. Noel and Mr. Sharpe returned as chairman and voting member.

General Business

Discussion about Midway Electronic Message Center; they have not removed the old signs which is a condition of the granted variance. Chairman will send a letter to the Building Inspector requesting the signs be removed.

ZBA pleased to have memos from the Building Inspector stating grounds for variances.

Motion by Mr. Rota to approve minutes of 3/10/10; second by David Sharpe; all in favor.

Meeting scheduled for 5/4/10.

Motion by Mr. Rota to adjourn at 8:45 p.m.; second by Mr. Sharpe; all in favor.

Respectfully submitted,



SUSAN TOMASE
Zoning Board of Appeals Secretary

Date: 6-14-10

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