



TOWN OF NORTON
ZONING BOARD OF APPEALS
70 East Main Street
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MINUTES
Meeting of June 2, 2010

I. Call to Order

The June 2, 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. David Sollecito, 34 Sunset Road, 010-010, continued from 5/4/10

Motion by Mr. Rota to remove hearing of 34 Sunset Road from the table for consideration; second by Mr. Choksi, all in favor.

Property located on the corner of Sunset and Mayflower Road. Lot #34 has a single family home on the property; lot next to it is vacant land. Proposed use would include a new house on lot #2. Present was Atty. Sousa and Mr. Sollecito.

1. existing house lot reconfiguration is a change making lot more conforming with bylaw
2. area/frontage variances for new house lot – lots in this area are less than 8,000 sq ft in area

Application is to combine lots 194/195 with existing house; also combine lots 199, 200, 201 with existing garage and build a home using current setbacks; would not need variance for setbacks. Not seeking small lot standards for setbacks.

ZBA concerned with granting variances on lots that have been combined.

Atty. Sousa spoke with Town Planner, Charles Gabriel; planner suggested course of action be applicant appear before ZBA first; counterproductive to appear before Planning Board first; plan would be deemed unbuildable.

Why would the ZBA have owners sell the lots before appearing before the Board? Board doesn't know what arrangement there are for the two properties. Board feels they are being asked to speculate on what will actually happen with this property if this application

is granted. Mr. Rota stated that if there is an agreement between the two owners and if it dissolved, land is not combined but variances are granted.

Atty. Sousa submitted memo requesting that the Board allow applicants to withdraw application without prejudice; plan will be taken to a hearing before the Planning Board for an ANR decision and applicant will resubmit to the Zoning Board.

Motion by Mr. Rota to accept the request for withdrawal without prejudice of the application of 34 Sunset Road; second by Mr. Choksi; all in favor.

III. James Mulcahey, 131 East Main Street, 10-011, continued from 5/4/10

Section VI finding for alteration of a structure on a non-conforming lot and variance from Section 6.2 for relief of area setbacks. Mr. Mulcahey was not present at hearing. Engineer for this project, Chris Yarworth, sent word to the clerk that this application would be withdrawn by the applicant; no word has been received from Mr. Mulcahey.

Motion by Mr. Rota to continue hearing for 131 East Main Street to 7/13/10, at 7:30 p.m.; second by Mr. Choksi, all in favor.

IV. Jonathan Drobnis, 286 West Main Street, 10-013

Section VI finding for alteration of a structure (demolish and rebuild) on a non-conforming lot and variance from section 6.2 for relief of area setbacks. Property acquired 9/08, located in Village Commercial zoning district. Applicant wishes to demolish existing garage and rebuild 20x40 ft garage. Proposed use is residence. Garage is beyond repair. Septic system is located in center of yard dictating location of new structure.

Automatic motion for approval. Height of existing structure is 7 ½ feet; proposed structure will be 10 feet. The garage on abutting property is also close to the property line.

Mr. Sharpe stated that neighboring property will be affected with foundation work of new garage.

Motion by Mr. Noel to approve application of 286 West Main Street; second by Mr. Choksi; all in favor.

IV. Norton Fire Department, 25 South Worcester Street, 10-014

Application for a Section VI finding to demolish and rebuild structure on a non-conforming lot. Chief Richard Gomes was present for this hearing. Existing building is 20x50 sq ft; no setback variances required, but will be demolished. Proposed building will be 24x50 sq ft metal building on existing slab with siding similar to existing siding.

There is no record of engineering plans anywhere for this lot. Now with new plan for this hearing, there will be a history for the future. Building is used for storage and for small vehicles to be protected from the weather.

No one present in favor or in opposition to application. **Automatic motion for approval for a finding that this application is not substantially more detrimental; that the non-conforming use may be modified as per the plans submitted; second by Mr. Choksi; all in favor.**

General Business

Motion by Mr. Rota to approve minutes of 4/7/10; second by Mr. Choksi; all in favor.

Discussion of new ZBA clerk.

Discussion regarding EMC sign for Cumberland Farms and Midway Service Center.

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

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Tom Noel

Chairman, Norton Zoning Board of Appeals