



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

MINUTES
Meeting of April 4, 2011

I. Call to Order

The April 4, 2011 scheduled meeting of the Zoning Board of Appeals was called to order at 7:30 p.m. in the second floor meeting area in the Norton Municipal Center by Chairman Thomas Noel, with the following members present: Thomas Rota, Nitin Choksi and Frank Reynolds. Also present was Ilana Quirk, Town Counsel.

Modification (continued)

Bay Road Heights, LLC, Bay Road – 40B Comprehensive Permit Request Modification. (cont. from the January 24, 2011, February 7, 2011, February 28, 2011, March 14, 2011 & March 28, 2011 mtgs.)

Document List

1. Letter dated November 17, 2010 from Paul E. Cusson, Managing Member, Delphic Associates, LLC to Tom Noel, Chairman, Zoning Board of Appeals, requesting the project be constructed in Phases.
2. Letter dated December 1, 2010 from Tom R. Noel, Chairman, Zoning Board of Appeals to Paul E. Cusson, Managing Member, Delphic Associates, LLC stating that the request to construct the project in Phases is a substantial modification and will require a public hearing and notification to abutters.

Tom Rota made a motion, seconded by Nitin Choksi, to remove the application for the modification to the Bay Road Heights, LLC, Bay Road Comprehensive permit from the table for discussion. All in favor. Approved.

Nick Adams was present for the applicant.

Tom Noel stated that Ilana Quirk, Town Counsel, had provided a draft decision that has been reviewed by all parties involved. Tom Noel stated he had one or two minor clerical corrections to the document.

Ilana Quirk stated she had sent the draft decision to all parties involved for review at which time the applicant's representative had inserted a few paragraphs showing the

history of events and just for informational purposes, and not to change the decision in any way. She said she then had sent a revised copy to all parties involved. She stated the applicant had no further changes to make to the draft decision.

Tom Noel asked the board members if they had any further questions on this modification decision and they responded that they did not. He asked Nick Adams if he had any further questions on this modification decision and he replied that he did not.

Tom Rota stated the only issue was the clarification of Fire Chief Richard Gomes on Phase I and water supplies for that Phase. He then read Chief Gomes's letter as follows:

Dear Mr. Noel,

Thank you for the faxed letter of March 15th clarifying the phasing of the project. This has been unclear to me to this point, as I have attended at least 2 meetings at which the developer either did not attend, or did not present the project.

If I understand correctly, phase 1 is the renovation of one existing dwelling, and the subdivision of a lot with one existing dwelling. If this is the case, the phase I proposal does not add to any significant fire protection/prevention issues to the community, and I would not demand the water line be installed first.

Let me again go on record at this time that I am very much not in favor of any construction of new units, subdivisions, or additional structures for the project without the installation of adequate working water mains and hydrants.

Thank you for your attention to this matter.

Respectfully,
Richard J. Gomes
Chief of Department

Tom Noel asked if there were any questions or comments on Chief Gomes's letter and there were none.

Ilana Quirk noted that she had incorporated into the draft decision the name and date of the final approved plans for the modification. She said there had been some confusion where the applicant was under the impression that the board had made a final decision on the acceptance of revised plans at a public hearing. She stated that the final plans have been added to the decision at this time for approval.

Tom Rota made a motion, seconded by Nitin Choksi, to close the public hearing. All in favor. Approved.

Tom Rota noted that because of his request for clarification of the water issues for Phase I by the Fire Chief, he would be in favor of not only closing the public hearing tonight but also voting on the approval of the decision. He stated that the usual procedure of the Zoning Board is to close the public hearing at one meeting and at the next, vote on the approval of the decision.

Tom Noel asked Ilana Quirk if he could make a few clerical corrections to the decision after the board has voted to approve it and she replied that as long as the other board members agree, this would be ok to do.

Tom Rota made a motion, seconded by Nitin Choksi, to approve the modification project as set out in the Town Counsel draft decision dated March 30, 2011 with the chairman empowered to make certain clerical and typographical corrections provided that those corrections do not change the meaning substanceably within the draft. All in favor. Approved.

Nick Adams asked about the Extension Request and Ilana Quirk stated it was incorporated into the decision.

Nick Adams asked if it would be allowed to change the footprint of the proposed duplex as long as it were smaller and Tom Rota replied that would be a question for the Building Inspector. Ilana Quirk stated any major changes to the approved plans, may have to be applied to the Zoning Board as a request for a modification.

Tom Noel asked if all the members should sign the decision and Ilana Quirk replied that three members should sign the decision and Ilana Quirk replied that the decision for all members to sign would be up to the members. It was agreed that all members would sign the decision.

Tom Noel asked if the approved plans should be signed and Ilana Quirk replied that it would be a good idea to have the members sign the Mylar. Ilana Quirk replied she would email the representative to bring a mylar to the Town Hall for the members to sign.

Tom Rota made a motion, seconded by Nitin Choksi, to adjourn the meeting at 8:05 pm. All in favor. Approved.

Respectfully submitted,

PHYLLIS M. BERNARD
Zoning Board of Appeals Secretary

Minutes Approved by Committee on: December 12, 2011

Thomas R. Noel, Chairman
Norton Zoning Board of Appeals