



TOWN OF NORTON
ZONING BOARD OF APPEALS
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MINUTES

Meeting of May 23, 2011

I. Call to Order

The May 23, 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 Thomas Rota, with the following members present: Thomas Noel, Chairman, Nitin Choksi and Frank Reynolds.

II. Christopher A. Polk – 123 East Hodges Street, 011-014

Assessor's map 36, Parcels 5 & 87

Application is for a variance for relief of the front and side yard setbacks.

Document List:

1. Variance application form.
2. Plan entitled "Proposed Porch Addition Plan, Yarworth Engineering Company, Inc., signed and stamped by Christopher D. Yarworth, Scale: 1"=50', dated 4/4/2011.

Christopher Polk described the project to the members. He stated he wanted to construct an 8-foot farmer's porch on the front side of his house which would be 4 ½ feet too close to the road on the left side of the house. He said he is required to have 35 feet on the left side of the house and will end up with 24.5 feet after the construction of the porch. He stated he would end up with only 38.5 feet at the front of the house when 50 feet is required.

Mr. Polk presented a letter dated May 22, 2011 in favor of his project written by Court Company who is an abutter to the property. He stated he received a favorable verbal approval from Mr. Rubin, an abutter across the street. Tom Rota read the letter into the record as follows:

Mr. Polk and the Zoning Board,

Court Company is a contiguous abutter and has received notice of a hearing. On behalf of my company we do not have any objection to the relief being requested by you Mr. Polk, and would ask that the Zoning Board act favorably to grant the relief. Thank you, Jack Quattrocchi, President, Court Company, Inc. 2 Douglas Pike, Smithfield, RI 02917.

Tom Rota asked if any of the members had any questions regarding this project and they did not. He asked if anyone present had any questions or concerns regarding this project and no one responded.

Tom Rota stated that since there were no questions or concerns by anyone present, an automatic motion to grant the variance was on the floor. Nitin Choksi made a motion to approve the requested variance of 38.5 feet at the front of the property and 24.5 feet at the side of the property as shown on the submitted plan entitled **“Proposed Porch Addition Plan, Yarworth Engineering Company, Inc., signed and stamped by Christopher D. Yarworth, Scale: 1”=50’, dated 4/4/2011.”** Frank Reynolds seconded the motion. All in favor. Approved.

**III. Gail M. Durniok-140 So. Washington St., 011-015
Assessor’s map 24, Parcel 22**

Application is for a variance for the front yard setback.

Document List:

1. Variance application form.
2. Plan entitled “Building Addition Plot Plan, 140 South Washington St., Norton, MA surveyed for Dr. Thomas & Gail Durniok, surveyed by Ribelin Land Surveyors, Inc. dated April 15, 2011, with a revised date of **May 25, 2011** with a scale of 1”=20’, signed and stamped by Frank T. Ribelin.

Present at the public hearing were Gail Durniok and her son, Michael Durniok who described the project to the board members. He said Ms. Durniok proposes to remove the existing sunroom and porch and replace it with a room and farmer’s porch which would encroach on the front yard setback. He stated the setback would be at 21 feet after construction of the porch.

Tom Rota asked if the new construction will be larger than the existing structure and Mr. Durniok stated it would be slightly. Tom Noel noted that the dimension for the distance of the **proposed** farmer’s porch to South Washington Street was not shown on the submitted plans. He stated that this is the most important dimension relating to this project. Mr. Durniok stated that the dimension is 21 feet. He said no foundation is proposed and sona tubes will be used.

Tom Rota stated to Mr. Durniok that the board would be approving the new construction being no closer than 21 feet from the front yard property line, but without this dimension noted on the approved plan, the applicant could legally encroach further. Tom Noel suggested having the engineer revise the submitted plan before granting the variance at this time.

Nitin Choksi suggested that, since the submitted plan had a scale of 1'=20' drawn on it, the board could approve the variance stating that the distance of the closest point of the proposed construction would be 21 feet.

Tom Noel asked the board members if they wanted to set a new policy that would state "If the submitted plans have a scale noted on the plan, and if a dimension is missing, approve the project writing into the decision the calculated dimension by using the scale on the plan." The board was not in favor of this suggestion. Tom Noel stated an exception could be made in this case in which the applicant is agreeing to stating the missing dimension is 21 feet. He was not in favor of making this a policy for future projects.

Scott Barbato, Norton Building Inspector, stated that the submitted plans were exceptionally good plans with the one exception of the missing setback dimension. He agreed that in this one case, an exception could be made by conditioning the requirement that construction be no closer than 21 feet to the front property line. He suggested having an inspection with an As-built plan done at the completion of the foundation and before any construction had begun and then again after the rough inspection in prevent encroachment beyond the 21 feet.

Scott Barbato noted that occasionally engineers may draw plans showing the closest point to a side line to be actually 6" closer than it really is to give the applicant a little room for error in construction.

Tom Noel suggested that the decision include the plan description and date and the exact distance allowed for the variance. He said the decision would state that inspections would take place at the completion of the foundation/sona tubes and at the completion of the rough inspection. Tom Noel asked Mr. Durniok if this was acceptable and he stated it was. Tom Rota advised Mr. Durniok that a revised plan would have to be submitted as soon as possible.

Tom Rota asked if there were any questions or concerns from any of the board members and there were not. He asked if there was anyone present in favor of, or in opposition of, the project and there was not.

Tom Rota stated there is an automatic motion on the floor to approve the plan submitted with the stipulation that a revised plan is submitted showing the front yard set back no less than 21 feet. Tom Noel seconded the motion. All in favor. Approved.

The secretary noted that someone was going to address the board this evening with general questions on what can or cannot be approved by the board, but never showed.

Scott Barbato, Building Inspector, stated that, in his opinion, it is a good idea for the general public to attend ZBA meetings when they have questions to prevent delays or errors in filing applications. Tom Noel stated this would be ok and the board would be happy to answer any questions the public may have.

Tom Rota made a motion, seconded by Nitin Choksi, to adjourn the meeting at 8:15 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