



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 June 20, 2011

I. Call to Order

The June 20, 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 Noel, Chairman, with the following members present: Thomas Rota, Chairman, & Nitin Choksi.

- II. Correction to decision for **William F. Moore** for **409 Reservoir Street** dated January 28, 2011 for the application for a relief of continuous frontage, side yard, rear yard and front yard setbacks, demolition of the existing structure and rebuilding of a new structure.**

William F. Moore was present at the public hearing.

Tom Rota explained that a special meeting was called because of a question has arisen regarding the recent decision filed for William Moore for his property at 409 Reservoir Street. He said that the Building Inspector, Scott Barbato, noticed that the date of the plans submitted with the application were not noted in the decision. Tom Noel said that because of the wording in the decision, the Building Inspector, Scott Barbato, would not issue a building permit for the work proposed by Mr. Moore. He said that Mr. Moore approached the secretary for the Zoning Board of Appeals and asked that this matter be clarified and that the decision be amended to reflect his proposed plans and application. and a meeting was scheduled for this evening. Scott Barbato could not be present for discussion this evening, but submitted a letter with his concerns as follows:

June 20, 2011

**Thomas Noel, Chairman
Zoning Board of Appeals
Town of Norton**

Re: 409 Reservoir Street

Dear Tom:

The document list shows Prime Engineering as the registered land surveyor. We have received two different plot plans with the same date on them showing radically different sizes and locations of proposed structures. Please confirm which of the documents you would like us to base our building permit on. Page two of Case No. 011-009, the second paragraph, indicates the “new building must be constructed on the identical foot print”.

The Building Department needs clarification in order to issue a permit to build a single family dwelling at 409 Reservoir Street. Please clarify the allowed setback from Hickory Rd. as front yard, Reservoir St. as a front yard and two side-yard setbacks between abutting lot 95 and 133. Under current zoning, the setbacks are front yard of 40’, side yard of 25’.

Please let me know what the Board intends to allow Mr. Moore to build.

Respectfully,

**Scott Barbato, CBO
Building Commissioner**

Tom Noel stated that the plan submitted with the application had two pages, the first page showed the existing structure with side and front lines and the second page showed the proposed structures with proposed side and front lines. Tom Rota said that most engineers submit one plan with solid lines depicting “existing” conditions and dotted lines depicting “proposed” work. He said that when he wrote the decision he was only looking at the first page with the existing structure and side and front lines. He stated that he had written into the decision identical footprint for re-building in error, which is the normal way the decision would be written looking at the plan he was looking at. He said this is the information which Scott Barbato, Building Inspector, was basing his decision regarding the way the construction would have to be completed.

Tom Noel stated that, in his opinion, the vote for the original application should have been for a variance instead of a 1.5E approval. He said that this was an oversight by him and the members.

Tom Rota explained that even though the new structure will be larger, it would be further from the lot line which an abutter, Mr. Anderson, is in favor of. He said originally, there was no one in opposition of the application. He stated that the new structure would be less detrimental to the neighborhood than the original structure.

Tom Rota stated to Mr. Moore that he would have to carry out the project using the exact measurements approved on the submitted plans which are 13.2’, 25.3’ and 14.7 feet. Mr. Moore noted that he mistakenly omitted the dimensions for the overhang of 5”. Tom

Rota stated that there is usually a 3" allowance for the side or front lines to go either way, larger or smaller, during construction.

Tom Noel asked Mr. Moore if the address will change for the property when the driveway is relocated to another road and Mr. Moore said it would not change.

Tom Noel stated the decision will note that the foundation shall be no closer than 25'3" from Reservoir Street.

Tom Noel made a motion to amend the decision of January 28, 2011 for 409 Reservoir Street to show the true intensions of the Zoning Board of Appeals for that night granting relief from setbacks under Section 6 to conform to the plans entitled "Proposed Development Plan" dated March 1, 2007 and also that the proposed construction will not be more "non-conforming" or more detrimental to the neighborhood as stated in Section 1.5E.

Tom Noel asked if the existing structure had already been demolished and Mr. Moore stated it has. He asked Mr. Moore if he would commence construction within 6 months and Mr. Moore stated he would provided he does not have any more issues with the Building Inspector. Tom Rota noted that the Building Inspector has requested that the ZBA note a time line of construction from the time of demolition, or in this case, from the time of the issuance of the decision. He also noted that the decision would include the word "proposed" footprint as shown on the submitted plan.

Mr. Moore asked when he could start construction and Tom Noel replied that he could start construction the day after the appeal period has ended.

Tom Rota seconded the motion made by Tom Noel. All in favor. Approved.

Tom Rota made a motion, seconded by Nitin Choksi, to adjourn the meeting at 8:00 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