



TOWN OF NORTON
ZONING BOARD OF APPEALS
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MINUTES

Meeting of July 9, 2012

I. Call to Order

The July 9, 2012 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, Acting Chairman, with the following members present: Nitin Choksi, Alternate Frank Reynolds and Alternate Jason Brolsma. Tom Noel, Chairman, was absent. Mr. Rota designated Mr. Reynolds to sit as a voting member of the Board for this night's meeting.

The members reviewed an application for:

012-002- Ann Marie Pucillo – 41 Alder Road, Parcel 209, Assessor's Map 9 for a variance for relief of the front yard setbacks:

Document List

1. Variance application
2. Plan entitled "Certified Plot Plan of Land in Norton, MA", Scale 1"=20', dated May 29, 2012, prepared by RIM Engineering Co., Inc. and signed and stamped by Craig E. Cygawnoski.

Ann Marie Pucillo stated that the project was a basic addition of a narrow porch. She said that the existing porch was 20.6 feet from Alder Road and the addition would bring it to 15.6 feet from Alder Road.

Frank Reynolds asked where the stairs would be located and Ms. Pucillo pointed out that there was only a step up and not a completed set of stairs. Nitin Choksi pointed out that the application stated that the parcel of property is 209 and on the plans, at the center of the page, it was noted as 205. He noted that at the top of the plans, it was printed as 209. Ms. Pucillo stated the actual lot is lot 209.

Nitin Choksi asked if the side yard setback was going to change and Ms. Pucillo stated it would not.

Tom Rota asked if any of the board members had any further questions or concerns and

they did not. He asked if anyone in the audience was in favor of, or opposed to, the proposed addition and there was not.

Tom Rota stated there was an automatic motion on the table for approval of this application. Nitin Choksi made a motion to approve the application according to the submitted plan dated May 29, 2012 with a proposed front yard setback of 15.6 feet. Frank Reynolds seconded the motion. All in favor. Approved.

The members reviewed an application for:

012-003 – Elaine M. Ryan – 250 Mansfield Avenue, #63, Parcel 730, Assessor's Map 3 for the alteration of a pre-existing, non-conforming mobile park unit.

Document List

1. Application
2. Plan entitled "Plan of Land for 63 Jacqueline Drive, Norton, MA prepared by Bay Colony Group, Inc., signed and stamped by Richard J. Leslie and dated June 6, 2012. (Scale: 1"=30')

Elaine Ryan stated that she is proposing to add a sunroom to an existing deck which would be slightly larger than the deck.

Tom Rota asked the owner of the mobile home park if this is something out of the ordinary or have other additions, decks, porches, etc. been built. The owner stated many other additions have been done in the park.

Frank Reynolds asked how much larger the footprint would be and Ms. Ryan stated that the existing concrete pad is 8' x 9' even though the deck was only 8' x 8' and the proposed sunroom will take up the entire pad being 8' x 9'. She said the addition will be 2 ½ ft. closer to the road but still 30 feet from the road.

Tom Rota asked if the sunroom would be constructed on the same footprint and she said it would be. He noted that a finding was requested as this is a non-conforming use in a Commercial zone.

Tom Rota asked if any board members had any questions or concerns and they did not. He asked if anyone in the audience was in favor of, or opposed to, the addition and no one spoke up.

Tom Rota stated there was an automatic motion on the table for approval of this application. Nitin Choksi made a motion to approve the application according to the submitted plan dated June 6, 2012 showing the 9' x 14' proposed 3-season sunroom. Frank Reynolds seconded the motion. All in favor. Approved.

The members reviewed an application for:

012-004 – Brian M. Coulter – 11 North Highland Avenue, Parcel 352, Assessor's Map 3 for a variance for relief of front yard set backs. (Post-facto)

Document List

1. Variance Application
2. Plan entitled "Plan of Existing Addition" prepared by Yarworth Engineering Co., Inc., signed and stamped by Christopher D. Yarworth and dated June 7, 2012. (Scale: 1"=20')

Brian Coulter explained that he and his wife needed another room in the small house after the birth of their child.

Tom Rota noted that the existing house is 19.2 feet from the road and the addition will be 11.2 feet from the road. He noted the applicant is applying for a variance of 8 feet at the front of the house. He noted that the steps will go to the side of the addition.

Frank Reynolds asked why the plans stated "Existing addition" and Mr. Coulter explained that he had already constructed the addition and was instructed by the Building Inspector that he had to file an application with the Zoning Board of Appeals because the addition was too close to the road.

He noted that he is intending on selling the house eventually.

Tom Rota asked if any board members had any further questions or concerns and they did not. He asked if anyone in the audience was in favor of, or opposed to, the addition and no one spoke up.

Tom Rota stated there was an automatic motion on the table for approval of this application. Nitin Choksi made a motion to approve the application according to the submitted plan dated June 7, 2012 by Christopher D. Yarworth of Yarworth Engineering Company, Inc. Frank Reynolds seconded the motion. All in favor. Approved.

The members reviewed an application for:

012-005 – Robert & Margaret Buyer – 22 Olympia Street, Parcel 37, Assessor's Map 27 for relief of frontage. (Expired variance)

Document List

1. Variance Application;
2. A letter dated June 6, 2012 from Christopher D. Yarworth of Yarworth Engineering Co., Inc. stating the following information;
2. Deed Book 1707 Page 476 showing the land was purchased by Robert and Margaret Buyer on July 1, 1976;
3. Norton Zoning Board of Appeals decision (Case 06-001) dated 02/15/2006 granting the same variance requested in the application. This variance listed

several conditions as terms of granting the variance, and the applicant continues to agree to these terms. This decision was recorded in Northern Bristol County Registry of Deeds Book 16092 Page 94.

4. A copy of a Sewage Disposal System Plan for 22 Olympia Street (Lot 2) dated 06/02/2006.
5. A reduced size copy of "Lots Owned by Robert L. & Margaret Buyer in Norton, Massachusetts" dated January 6, 2006 showing the proposed Lot 2 for which the variance is requested. This plan was endorsed by the Norton Planning Board on 08/01/2006 and is recorded at the Northern Bristol County Registry of Deeds Plan Book 449 Page 26.
6. A copy of Deed Book 16096 page 43 showing the sale of Lot 1 by the Buyers on 08/04/2006.
7. A letter dated 12/13/2011 from Norton Building Inspector Scott Barbato stating that the variance expired 01/11/2011.
8. Copy of the previous expired decision dated February 15, 2006.

Chris Yarworth of Yarworth Engineering Co., Inc. explained that the original decision had expired and the Building Inspector was requesting a new application. He said the application is exactly the same as the previous application.

Mr. Yarworth was requesting that the board approve a decision to include the language stating that the variance will be automatically activated upon the recording of the decision at the Registry of Deeds and would remain active in perpetuity as part of the deed to the property. He stated that the owners have been trying to sell the property for years and it can be very expensive having to apply for the same variance from year to year.

Tom Rota stated that the Zoning Board has been consistent in their decisions over the years and he said that the board cannot make an exception with this application. He explained that if a variance is about to expire, the applicant may request a six-month extension to exercise the variance.

An abutter, Katherine Tolland, 16 Power Street, explained that issuing a permanent decision on the lot might allow the construction of something other than was proposed in the original application at some point in the future. Chris Yarworth pointed out that the application specifically states that only a single-family house may be constructed within this variance.

Tom Rota noted that he remembered very clearly the issues and concerns brought up at the original public hearing for this variance and these issues were resolved at that time. He said he had no problem with the variance, but did not recommend changing the policy.

Jason Brolsma noted that according to the Zoning By-Laws, Section 10.12, a six-month extension can be obtained, and after that, if the variance is not exercised, the applicant

will have to re-apply.

It was the consensus of the board to not make an exception with this application. Scott Ferguson, real estate broker for the owner of the property, asked if any time changes to an extensions could be allowed and Tom Rota noted they could not be revised.

Tom Rota asked if any board members had any further questions or concerns and they did not.

He asked if anyone in the audience was in favor of, or opposed, to the project. Mr. Jason Dupuis, 20 Olympia Street, stated that he had no objections or concerns if the variance application was exactly the same as the previously issued decision and Tom Rota stated it was. Chris Yarworth noted a Board of Health plan had been submitted with this application.

Tom Rota stated there was an automatic motion on the table for approval of this application. Nitin Choksi made a motion to approve the application according to the application requesting a frontage variance from Table 6.2 to allow 24.44' frontage as allowed by Article 10.3. He noted that the variance will be exactly the same and include the same conditions as the previously issued and expired variance issued on February 15, 2006. Frank Reynolds seconded the motion. All in favor. Approved.

The members reviewed the Bills Payable Sheet for Graves Engineering, Inc. for \$4,999.25. Nitin Choksi made a motion, seconded by Frank Reynolds, to pay the bill. All in favor. Approved. It was agreed that the secretary would email the applicant for the Turtle Crossing 40B project review and advise him that he may request the balance of the funds in the revolving account be refunded to him.

The members reviewed the draft minutes of **January 30, 2012, February 27, 2012, April 2, 2012, April 30, 2012, May 21, 2012 and June 4, 2012.** It was agreed to table the minutes until the next regular meeting of Monday, August 6, 2012.

Nitin Choksi made a motion, seconded by Frank Reynolds, to adjourn the public meeting at 8:13 pm. All in favor. Approved.

Minutes Approved by Committee on: September 17, 2012.

Respectfully submitted,



Thomas R. Noel, Chairman
Norton Zoning Board of Appeals