



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 August 6, 2012

I. Call to Order

The August 6, 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 Tom Noel, Chairman with the following members present: Nitin Choksi and Jason Brolsma (Associate Member).

Tom Noel noted that two voting members were absent, Tom Rota and Frank Reynolds. He appointed alternate member Jason Brolsma as a voting member.

Tom Noel called the meeting to order at 7:30 pm. He noted there was only one project for review on the agenda.

The members reviewed an application for:

013-001- Fiorentina Ferrara – 111 West Main Street, Parcel 65, Assessor's Map 22 for a variance of the Norton Zoning By-Laws, Article VI-Dimensional Regulations, Section 6.5:

Document List

1. Variance application
2. Plan entitled "Variance Plan, 111 West Main Street, Norton, MA" prepared by Pilling Engineering Group, Inc., Scale of 1"=20' signed and stamped by Bruce R. Billing dated May 10, 2012. (Sheet 1 of 1).
3. Letter dated May 16, 2012 to the Zoning Board of Appeals from Todd M. Pilling, P.E., Project Manager for Pilling Engineering Group, Inc.
4. Letter dated May 17, 2010 to Charles Gabriel, Norton Town Planner, from The Norfolk Ram Group, LLC.
5. Letter dated July 5, 2012 to Tom Noel, Chairman, Zoning Board of Appeals from Charles Gabriel, Norton Town Planner.

Present at the public hearing were Fiorentina Ferrara, applicant, Rico Ferrara, son of the applicant and contractor, and an abutter, Janet Nason of 109 West Main Street.

Tom Noel read the application aloud and read the letter from Charles Gabriel, Town Planner. The letter stated that the Planning Board had approved a Site Plan previously and if this application for a variance is granted, the applicant will have to submit the revised Site Plan for Planning Board approval. Mr. Noel stated that according to the Town Planner, the revised plan showed a substantial change from the approved plan. Mr. Ferrara stated that he did not think that the revised plan had any substantial changes from the original approved plan. Tom Noel gave a copy of the letter to Mr. Ferrara.

Tom Noel asked Mr. Ferrara to explain what the intent of the revision was. Mr. Ferrara stated that the main purpose of the variance was to allow for a smoother traffic flow for entering and exiting the site. The revised plan would allow cars to travel around the side of the building and around the back and the back to the front and out onto the street. He said the cars would enter on one side of the building and exit on the other side of the building. Mr. Ferrara presented a letter from The Norfolk Ram Group, LLC which was the Peer Review for the parking issue for the Special Permit hearing. He said the letter favored the parking arrangement as presented in this application.

Mr. Ferrara explained that this parking arrangement was not implemented originally during the Special Permit application because of the variance that was required because of the utilization of the buffer area and because no contact had been made previously with the direct abutter. Tom Noel asked Mr. Ferrara why he decided to apply for a variance at this time and he replied that during construction, the entering and exiting of the property was quite congested at times. I stated that being able to go around the building in a one-way direction would make a better traffic flow.

Mr. Ferrara stated that after speaking with the direct abutter, Janet Nason, he installed a 6-foot fence along the entire side of the building between her property and the restaurant. Ms. Nason spoke in favor of the variance and said the applicant has been very agreeable to her requests.

Tom Noel asked Mr. Ferrara if a drive-thru window was proposed and he assured the board that no drive-thru was proposed at this time and never will be proposed. Tom Noel asked if any parking spaces would be lost and Mr. Ferrara stated that, in fact, one space would be gained.

Tom Noel asked how many seats the restaurant would have and Mr. Ferrara replied there would be 63 counting pub seats which meet the standards for the septic system as well as the parking spaces. Tom Noel asked Mr. Ferrara if the buffer on the right side of the building was at least 20 feet to comply to Zoning regulations and he replied it was. Tom Noel pointed out that there were no figures on the submitted plan to confirm this but Mr. Ferrara assured the board that the figures were on the original plan submitted to the Planning Board.

Tom Noel passed out aerial pictures of the site and Mr. Ferrara put a check mark on the restaurant.

Jason Brolsma stated that the letter received by the engineer, Todd Pilling, noted that there was an area to the rear of the building that could be rented. Mr. Ferrara stated that was correct but had no intentions of renting it out. He said the area will be used for a loading area. Tom Noel asked where the loading area would be located and Mr. Ferrara pointed out the area. He said that it should have been noted on the plan. He said that loading and unloading will be done after hours if permitted.

Tom Noel asked Mr. Ferrara if he had plans to go back before the Planning Board and he replied he did not agree that he had to, but would go before the Planning Board if required.

Janet Nason of 109 West Main Street stated she had lived there for over 40 years and is in favor of the revised plans for the parking. She stated that there would be no alternative for the applicant. Tom Noel asked Ms. Nason if she was satisfied with the fence that was installed and she stated she was. He asked if she was concerned with the proposed lighting or traffic from the restaurant and she said she did not have any concerns.

Nitin Choksi asked about the grading and the existing drains. He noted that with the added impervious surface, there might be water problems. Mr. Ferrara explained that the existing drains are working correctly. He noted he was an excavator by trade and could make any improvements or alterations needed or required.

Jason Brolsma asked Mr. Ferrara if the variance is preventing the opening of the restaurant and he replied it is at this time because it would be a much better traffic situation. He stated that if the Planning Board makes it very difficult or more expensive, he will use the original approved plan and open the restaurant in spite of the anticipated traffic problems. He says he does not want to postpone the opening of the restaurant for a long period of time.

Tom Noel asked if there was any more discussion and Nitin Choksi suggested that the variance would be an improvement to the traffic flow for the restaurant. He suggested that the requirement to appear before the Planning Board could be written into the Zoning Board's decision as a condition.

Nitin Choksi made a motion, seconded by Jason Brolsma, to approve the variance as presented with the conditions that the approved plan entitled "**Variance Plan, 111 West Main Street, Norton, MA**" prepared by Pilling Engineering Group, Inc., Scale of 1"=20' signed and stamped by Bruce R. Billing dated May 10, 2012. (Sheet 1 of 1). will be reviewed by the Planning Board and that there will never be a drive thru window on the building. Jason Brolsma noted that the drainage and the loading area be added to the submitted plans. All in favor. Approved.

Tom Noel asked Mr. Ferrara if there would be any chance to obtain more parking spaces from the owner of the property behind the restaurant. He replied that the owner

suggested that he get the variance before any discussions on the possible use of the property for parking.

The members reviewed the draft minutes of **June 18, 2012**. Nitin Choksi made a motion, seconded by Jason Brolsma, to accept the minutes, with a couple of typo corrections to be made. All in favor. Approved.

Nitin Choksi made a motion, seconded by Jason Brolsma, to adjourn the public meeting at 8:35 pm. All in favor. Approved.

Minutes Approved by Committee on: September 17, 2012.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'TR Noel', is written over a horizontal line.

Thomas R. Noel, Chairman
Norton Zoning Board of Appeals