



TOWN OF NORTON
ZONING BOARD OF APPEALS
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MINUTES

Meeting of October 28, 2013

The October 28, 2013 scheduled meeting of the Zoning Board of Appeals was called to order at 7:32 pm at the Norton Town Hall by Tom Noel, Chairman, with the following members present. Nitin Choksi, Frank Reynolds (Alternate member) and Jason Brotsma (Alternate member). He noted that Tom Rota would not be attending tonight's meeting.

Tom Noel made a motion, seconded by Nitin Choksi to remove from the table for discussion the project:

Application 014-004 – Gary & Kathy Portway – Parcel 52 (Assessor's Map 22) 133 West Main Street

Section 6 Finding of the Norton Zoning By-Laws, Section 1.5(e). Razing a house and constructing a 38'x26' building with a porch and changing the use of a non-conforming lot from residential to commercial.

Document List

1. Application for a Section 6 Finding.
2. Plan entitled "Site Plan for 133 West Main Street, Norton Prepared for Success Real Estate, Scale 1"=20", Prepared by Yarworth Engineering Company, Inc., signed and stamped by Christopher D. Yarworth and dated August 22, 2013. (Sheets 1 & 2 of 4)
3. Color pictures of the existing house.

Present at the public hearing were Gary and Kathy Portway and their engineer Chris Yarworth.

Tom Noel noted that the intention of the applicant is to raze an existing house and to construct a 38' x 26' building with a porch and to change the use of the property from residential to commercial.

Chris Yarworth noted all the setbacks are ok. He said that the septic system is not that old and will be used but reconfigured for the new structure and remain at the same location.

Frank Reynolds asked if a new fence was proposed and Chris Yarworth replied that a new stockade fence will be installed on one side of the property and the existing fence will

remain on the other side of the property.

Tom Noel asked the applicants if they owned the property and they replied they did. He asked if the house was vacant and, if so, for how long. Ms. Portway replied the house was lived in until May of this year.

Discussion ensued on whether or not the use of the property could be changed under Section 10.4 of the Zoning Bylaws and it was decided that it was allowed with a vote from the Zoning Board of Appeals.

Jason Brolsma asked if a sign was proposed for the property and Mr. Portway noted that this issue was not brought up at this time, but if a sign were to be installed later on, it would comply with building codes and would not have to be reviewed by the Zoning Board.

Tom Noel noted that Frank Reynolds, Alternate Member, may be a voting member in place of Tom Rota, member who was absent tonight.

Tom Noel asked if there was anyone present who was opposed to, or in favor of, the application and no one responded.

Tom Noel made a motion to approve the application and submitted plans as proposed. Nitin Choksi seconded the motion. All in favor. Approved.

Tom Noel noted that the next item on the agenda is:

Application 014-005 – Pauline Warren – Parcel 90-92 (Assessor's Map 3) 2 Hickory Road

Section 6 Finding to alter a residential structure on a non-conforming lot and a variance from the front yard setback requirement of 40 feet to allow a front yard setback of 25.6 feet and construction of a 24'x 24' garage.

Document List

1. Application for a Section 6 Finding.
2. Plan entitled "Surveyor's Certificate", Hickory Road, Scale 1"=30', prepared by Charette Land Surveying, signed and stamped by Christopher L. Charette and dated October 2, 2013.

Present at the public hearing were Pauline & Paul Warren. It was noted that the property was purchased in 1984 and an additional parcel on July 26, 2000. A plan was submitted with the application as noted in the document list.

Tom Noel noted that the existing property is non-conforming and that the applicant is proposing to add a garage and porch onto the existing structure. He said that a variance will be needed for the front yard setback of 25.6'.

Nitin Choksi asked if the garage could be moved back 6 feet to be flush with the rear of the house and Ms. Warren replied that the garage is located where it is in order to have it connect to the proposed porch at the front of the house.

No one else present to speak in favor of or in opposition to the application. Automatic motion for approval. Discussion ensued. Frank Reynolds made a motion to grant a variance as proposed with the front yard setback no less than 25.6', seconded by Nitin Choksi. All in favor. Approved.

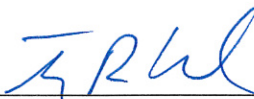
The Board determines, under Norton Zoning By-Laws, Section 1.5(e), that the proposed further non-conforming use being the construction of a garage and porch, as shown on the submitted plan dated October 2, 2013 will not be substantially more detrimental than the existing, non-conforming use in that it is of the same general class as the existing non-conforming use, in an R60 Zone. Frank Reynolds made the motion, seconded by Nitin Choksi. All in favor. Approved.

Tom Noel noted there were quite a few draft minutes to be reviewed and voted on and it was decided to go through some of them at the regular meeting of Monday, November 4, 2013.

Frank Reynolds made a motion, seconded by Nitin Choksi, to adjourn the meeting at 8:07 pm. Approved.

Minutes Approved by Committee on: September 22, 2014

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'T. R. Noel', is written over a horizontal line.

Thomas R. Noel, Chairman
Norton Zoning Board of Appeals