



TOWN OF NORTON
ZONING BOARD OF APPEALS
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MINUTES

Meeting of April 28, 2014

The April 28, 2014 scheduled meeting of the Zoning Board of Appeals was called to order at 7:00 pm at the 1st Floor Selectmen's meeting area, Norton Town Hall by Tom Noel, Chairman, with the following members present, Nitin Choksi, Frank Reynolds and Jason Brolsma. Ilana Quirk, Town Counsel, was also present.

GENERAL BUSINESS – review and discussion with Town Counsel concerning rules and procedures applicable to Chapter 40B applications generally.

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

014-012 – Vincent & Mary Grzesik – 40 Farm Lane – Parcel 39 (Assessor's Map 9)

Application is for a Section 6 Finding (Section 1.5e) of the Norton Zoning By-Laws for altering an existing non-conforming lot and structure and for a variance of the Norton Zoning By-Laws for the front, side and rear setbacks.

Document List

1. Application for a Variance and Section 6 Finding and a Variance.
2. Plan entitled "Zoning Board of Appeals Plan of Land, 40 Farm Lane in Norton, MA owned by Vincent & Mary Grzesik", Scale 1"=20', prepared by John W. DeLano and Associates, Inc., signed and stamped by John W. DeLano, dated March 4, 2014.

Present at the public hearing were the applicant's engineer, Roy DeLano and Attorney, Joe Nealon.

Roy DeLano submitted pictures of the existing house to the members for review. He noted the house is in terrible condition and should be demolished as proposed. He commented that the owners wish to install a 1 ½ - story 40' x 30' modular house.

Tom Noel noted that the new construction with the deck will be 1 foot closer to the reservoir.

Mr. DeLano noted that he is trying to keep all construction out of the floodplain. He said that the applicant would also like to construct a garage at the rear of the property which will be 6 feet from the property line.

Mr. DeLano noted that the new construction will cover 16% which is what the Zoning By-Laws allow. He noted that there is an existing sewer easement which goes through the property and he has spoken with the Water/Sewer Commissioner and has attached the letter allowing an overhang into the easement.

He commented that he wanted to pull the house further away from the reservoir, but the Water/Sewer Commissioner did not want any encroachment towards the 30-foot wide sewer easement. He said that in lieu of allowing the 4-ft. overhang over the easement, the owners agreed to add 10 feet to the sewer easement giving the Water/Sewer Department an effective width of 36 feet through the property.

Mr. DeLano noted that there is an 8" allowance to put the 6" footings for the overhang to not encroach onto the easement. He said the house will be built on a slab foundation.

Jason Brolsma asked where the frontage to the property is and Mr. DeLano pointed that out to him.

Tom Noel asked what would be behind the garage and Mr. DeLano replied it is all wooded. Mr. DeLano stated that the owner has requested to locate the garage only 6 feet from the lot line. Attorney Nealon noted that the owners are requesting to put the garage closer to the lot line to accommodate a new driveway if necessary someday. He continued to explain that if the garage is moved further to the front of the property it will make the angle of the driveway more complicated.

Frank Reynolds had concerns with fire apparatus being able to get behind the garage if necessary. The members agreed that the garage should not be any closer to the lot line than ten feet.

An abutter, Mark Minassian, 39 Lantern Lane, addressed the board. He noted that his parents own the property next door and he wanted to know exactly how close any construction was going to be to their property line.

Tom Noel noted that the garage was proposed to be located 6 feet from the property line.

Mr. DeLano pointed out on the submitted plan to Mr. Minassian where the proposed structures would be located. Tom Noel asked Mr. DeLano if any rooms above the garage were proposed and he replied there was not.

Jason Brolsma had concerns with the garage location. Tom Noel did note that the owner of this lot or the abutter to this property could, in fact, someday put up a fence at the border line. Frank Reynolds asked why it was so important to locate the garage 6 feet from the property line and Mr. Nealon pointed out on the plan that if the garage was moved closer to the front of the property it could possibly make the relocating of the driveway more complicated. Tom Noel replied that he did not think locating the garage 10 feet from the property line would present a problem for the applicant. Frank Reynolds agreed. Tom Noel noted that the Fire Department requests 10 feet clearance on all new construction if possible.

Frank Reynolds made a motion to grant a variance per the submitted plans, with the exception that the garage shall be moved 4 feet further away from the property line of Mr. Minassian's property. He noted that all other dimensions shown on the submitted plan for the proposed house would be approved as drawn. Nitin Choksi seconded the motion. All in favor. Approved.

Frank Reynolds made a motion for the Section 6 (1.5e) Finding that the altering of the existing dwelling and the construction of a garage does not make this property substantially more detrimental i.e. concerns for light, noise and any other safety factors. Nitin Choksi asked if the footings or foundation would be encroaching onto the Water/Sewer easement. Tom Noel replied they would not and a condition would be included in the decision to prevent this from happening. Nitin Choksi seconded the motion. All in favor. Approved.

Frank Reynolds made a motion to amend the first motion for the variances to add a condition, per a letter from the Water/Sewer Department, that foundations or footings will not be allowed to encroach the 30-foot water/sewer easement. Nitin Choksi seconded the motion. All in favor. Approved.

Frank Reynolds made a motion, seconded by Nitin Choksi, that the new structure will not make the use substantially more non-conforming or adversely affect conditions at or near the property as delineated in Section 1.5e of the Norton Zoning Bylaws and to approve the Section 6 Finding as requested. All in favor. Approved.

The members reviewed an invoice submitted by Graves Engineering, Inc. in the amount of \$2,419.00. Nitin Choksi made a motion, seconded by Frank Reynolds, to pay the bill. All in favor. Approved.

Tom Noel noted there was a Contract Change Order #6 for the Island Brook project dated April 14, 2014 submitted by Graves Engineering, Inc. Nitin Choksi made a motion, seconded by Frank Reynolds, to approve the Contract Change Order #6 and submit it to the Selectmen for their approval to be signed by the Town Manager. All in favor. Approved.

Discussion ensued regarding Zoning Board of Appeals applications and filing fees.

Frank Reynolds made a motion, seconded by Nitin Choksi, to adjourn the meeting at 8:43 pm. All in favor. Approved.

Minutes Approved by Committee on: March 2, 2015

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