



**TOWN OF NORTON**  
**ZONING BOARD OF APPEALS**  
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## **MINUTES**

Meeting of September 22, 2014

The September 22, 2014 scheduled meeting of the Zoning Board of Appeals was called to order at 7:31 pm at the Norton Public Library by Tom Noel, Chairman, with the following members present, Nitin Choksi & Frank Reynolds, Associate Member.

Tom Noel noted the first item for discussion is the application:

**15-04 – Roman Catholic Church of Fall River – Parcel 51 (Assessor's Map 27) So. Worcester St./Power St.** Application for Variance of Dimensional area to create 2 buildable lots.

### Document List

1. Application for a variance.
2. Plan entitled Plan of Land in Norton, MA, Scale 1"=20', prepared by RIM Engineering Company, Inc., signed and stamped by Craig E. Cygawnoski and dated August 7, 2014.
3. Letter dated September 16, 2014 to the Norton Zoning Board of Appeals from Mr. and Mrs Scott Wallace, 137 So. Worcester Street in opposition of the variance.
4. Photographs of the area flooding submitted by Thelma Pine, 72 Power Street

Representing the applicant at the public hearing was Matthew Costa, Esq., from Gay & Gay, P.C.

Tom Noel asked Mr. Costa if this project was being reviewed by the Planning Bd. and he replied it is not at this time.

Mr. Costa commented that if the Zoning Bd. grants a variance for this application, the only reason to go before the Planning Board would be for an ANR to divide the property into the two lots.

He noted that the two proposed lots would be 20,720 sq.ft. and 20,788 sq.ft. He said the surrounding properties have smaller lots than required by the latest zoning regulations.

Mr. Costa noted that the church could have divided this property years ago before the Zoning By-Laws were written or updated, but they did not.

Tom Noel commented that the Zoning Board cannot grant division of lots or lot sizes. He said that the Planning Board is the department that would grant this. He suggested that the applicant go before the Planning Board for an ANR before the Zoning Board grants any variances. He said he will contact Town Counsel on this matter.

Mr. Costa stated he would like to get the variance before going before the Planning Board in order to get the lot sizes approved first.

Tom Noel suggested continuing the public hearing until after hearing from Town Counsel and asked that the applicant present the plans to the Planning Board requesting an ANR.

An abutter, Thelma Pine, 72 Power Street, spoke in opposition of the variance and presented pictures of the area flooding and water ponding in her yard and had concerns with the situation becoming worse. She said she has had to use sump pumps in her cellar to prevent water damage and flooding. She said the surrounding lots are smaller and the rules have been since changed to require larger lots.

Tom Noel read aloud a letter of opposition received from Mr. and Mrs. Scott Wallace at 137 South Worcester Street.

Mr. Glenn Barker, 130 South Worcester Street had concerns with the granting of two building lots across the street from him creating water problems on his property. Tom Noel noted that the applicant cannot allow for any more water runoff that exists at this time.

Attorney Dan Rich spoke in favor of the variance.

Jim Reilly, 149 West Main Street, spoke in favor of the variance. He noted that the property at 72 Power Street had been divided in the past. Ms. Pine noted this was before she owned the property.

Mark Bowditch, 6 Holly Street, noted that the parking lot has been removed and the drainage on the property should be improved.

Frank Reynolds had a question pertaining to a line on the plan. Mr. Costa replied he will check into what this line represents and submit a corrected plan.

Nitin Choksi made a motion, seconded by Frank Reynolds, to continue the public hearing to Monday, October 27, 2014 at 7:30 pm to be held in the first floor Selectmen's area. All in favor. Approved.

Tom Noel noted this will give the board time to hear back from Town Counsel on their jurisdiction regarding this application.

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

**15-02 – Kevin Willis – Parcels 10/11 (Assessor's Map 12) 124 Burt Street**

Application for Section 6 Finding & Variance

(cont. from the September 8, 2014 mtg.)

Document List

1. Variance Application
2. Plan entitled Plan of Land in Norton, MA prepared for Elmer C. & Paula C Willis, Scale 1"=20', prepared by Pilling Engineering Group, Inc. and dated September 17, 2014.

Atty. Daniel Rich updated the board on the project. He submitted a revised plan. Tom Noel commented that because a new plan had been submitted with more than insignificant changes, abutters to the property will have to be re-notified before a public hearing can be held.

Tom Noel noted that dimensions have to be added to the revised plan as well as corrections to the calculations.

Elmer C. Willis, III spoke in favor of this project.

Frank Reynolds commented that a new application can be submitted as the plans and project have changed significantly.

Daniel Rich replied that he would notify the board as soon as possible as to what the applicant decides to do.

Frank Reynolds made a motion, seconded by Nitin Choksi, to continue the public hearing until the meeting of October 27, 2014 at 7:35 pm. All in favor. Approved.

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

**15-04 – Anna Gull – Parcel 92 (Assessor's map 15) 10 Larson Farm Drive**

Application for a Variance for side yard setbacks.

Document List:

1. Application for a variance.
2. hand drawn plans for addition

3. Plans entitled "Proposed House Addition" at Hse. No. 10 Larson Farm Drive in Norton, MA prepared by RIM Engineering Co., Inc., Scale 1"=40', signed and stamped by Craig E. Cygawnoski and dated August 26, 2014.

Present at the public hearing were Mr. and Mrs. Gull.

Ms. Gull stated she would like to add a 6.5' x 18' room to the side of the house and needed a variance for the side yard setbacks to do this. She said the existing set back is 21.7' and after the mud room is constructed, the set back would be 15.2'.

Tom Noel noted that there are utility poles on the other side of the property. Mr. Gull noted that he cannot build on this side of the house because of an easement for the utility lines.

An abutter, Lori Murphy, 8 Larson Farm Drive, commented that she was in favor of the addition but had a couple of questions regarding additional water flow to her property.

She asked if the proposed project would impact the existing fence on the property line and Mr. Gull replied it would not. She asked if the project would cause any erosion problems and Mr. Gull replied that the existing footings would be used for the addition and there is no foundation or basement proposed.

Frank Reynolds made a motion, seconded by Nitin Choksi, to approve the application for a variance of the side yard setbacks and the plan dated August 26, 2014, the hardship being that construction on the other side of the house is not allowed because of the utility easement. All in favor. Approved.

The members reviewed an invoice for Allegra Design Marketing Print for \$83.05. Nitin Choksi made a motion, seconded by Frank Reynolds, to pay the bill. All in favor. Approved.

Discussion ensued regarding the plan for the Vincent and Mary Grzesik project, 14-12, 40 Farm Lane.

Tom Noel noted that the approved plan showed the proposed garage located 6 feet from the property line but the board was requiring the proposed garage to be no less than 10 feet from the property line. The recorded plan was noted by him that the "proposed garage shall be no less than (10) feet from the property line".

It came to the attention of the board by the Building Inspector that a revised plan showing the location of the garage to be 10 feet from the property line was given to him. After checking with the secretary, it was agreed that a revised plan should be submitted to the ZBA office to be attached to the file as well as be recorded at the registry of deeds.

The members reviewed the draft minutes of August 29, 2013. Frank Reynolds made a motion, seconded by Nitin Choksi, to approve the minutes, as drafted. All in favor. Approved.

The members reviewed the draft minutes of October 3, 2013. A couple of minor edits were made to the minutes. Frank Reynolds made a motion, seconded by Nitin Choksi, to approve the minutes, as amended. All in favor. Approved.

The members reviewed the draft minutes of October 15, 2013. Frank Reynolds made a motion, seconded by Nitin Choksi, to approve the minutes, as drafted. All in favor. Approved.

The members reviewed the draft minutes of October 24, 2013. Frank Reynolds made a motion, seconded by Nitin Choksi, to approve the minutes, as drafted. All in favor.

The members reviewed the draft minutes of October 28, 2013. Frank Reynolds made a motion, seconded by Nitin Choksi, to approve the minutes, as drafted. All in favor.

The members reviewed the draft minutes of November 1, 2013. Frank Reynolds made a motion, seconded by Tom Noel, to approve the minutes, as drafted. All in favor.

The members reviewed the draft minutes of November 4, 2013. Frank Reynolds made a motion, seconded by Nitin Choksi, to approve the minutes, as drafted. All in favor.


The members reviewed the draft minutes of November 25, 2013. Frank Reynolds made a motion, seconded by Nitin Choksi, to approve the minutes, as drafted. All in favor.

The members reviewed the draft minutes of December 9, 2013. Minor edits were made to the minutes. Frank Reynolds made a motion, seconded by Nitin Choksi, to approved the minutes, as amended. All in favor.

Frank Reynolds made a motion, seconded by Nitin Choksi, to adjourn the meeting at 9:34 pm. Approved.

Minutes Approved by Committee on: April 27, 2015.

Respectfully submitted,



Thomas R. Noel,  
Chairman, Norton Zoning Board of Appeals