



## TOWN OF NORTON ZONING BOARD OF APPEALS

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### MINUTES

Meeting of November 17, 2014

The November 17, 2014 scheduled meeting of the Zoning Board of Appeals was called to order at 7:33 pm at the Norton Town Hall, Selectmen's Meeting Area, by Tom Noel, Chairman, with the following members present, Nitin Choksi & Frank Reynolds, Associate Member.

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

**15-07 – Patricia A. Dykens – Parcels 88 & 92 (Assessor's Map 4) Cobb Extension (formerly Cail Road).** Application for a Variance for frontage setback and lot size area.

Mr. Tom Maron, son of the applicant addressed the board. He noted that he is proposing to construct a house behind his mother's house on this property. He claimed that the Planning Board had relinquished its Restrictive Covenant on these lots.

Members asked for details such as the identity of who or what owns the Cobb Lane Extension, and Mr. Maron replied he did not know. Members questioned whether the Town has or had an interest in at least part of the parcels and whether and why the Town would have relinquished that claim.

Discussion ensued on the size and ownership of all the lots included with this project. The frontage as indicated was approximately 10 feet short of the required distance.

Mr. Maron said that his brother had claimed Cail Road and had registered a deed with the Registry of Deeds to that effect. Mr. Maron's sister, Kathleen Dykens, commented that her brother had been advised by the Town Planner 11 years earlier to claim Cail Road as his property and to have the deed recorded at the Bristol County Registry of Deeds.

Frank Reynolds questioned the side yard setbacks. Mr. Maron replied this falls under the small lot exemption.

Tom Maron submitted the deeds for the various lots along Cail Road.

Tom Noel requested the deed to Cail Road be researched and submitted to the Board before continuing with the public hearing.

Mr. Robert DeCamp, 74 Cobb Street, spoke in favor of the project.

Frank Reynolds made a motion, seconded by Nitin Choksi, to continue the public hearing to Monday, December 15, 2014 at 7:30 pm to be held in the 1<sup>st</sup> floor Selectmen's area. All in favor. Approved.

**15-03 – Edwin Whitcomb - Parcel 86 (Assessor's Map 21) 19 Oak Street**  
Application for a Variance of Section 6.1 & 6.2 for dimensional requirements  
(cont. from the October 27, 2014 mtg.)

No one was present for the public hearing.

Tom Noel noted that Attorney for the applicant was going to contact the applicant regarding withdrawal of the application. The Board has received no update.

Frank Reynolds made a motion, seconded by Nitin Choksi, to deny the project for lack of information. All in favor. Motion approved; **Application Denied.**

**15-08 – Ronald Magadieu – Parcel 63 (Assessor's Map 32) 30 Woodward Street**  
Application for a Variance for side yard set backs.

Document List

1. Application for a Variance
2. Plan entitled "Certified Plot Plan, 30 Woodward Street in Norton, MA, prepared by Collins Civil Engineering Group, Inc., signed and stamped by Steven W. Rumba and dated October 10, 2014.

Ronald Magadieu was present at the public hearing.

He commented that the applicant is proposing to add a farmers porch to the side of the existing house. He noted that a variance of the side yard setbacks is needed. He said the porch will be constructed 18 feet from the boundary line on one end and 22 feet from the boundary line on the other end.

Mr. Magadieu noted that the house sits sideways on the lot and that is why the porch will be added to the front of the house but the side of the property. Mr. Magadieu stated that Conservation Agent Jennifer Carlino had signed off on the building application with a note that reads "meets exemption, September 17, 2014." Mr. Magadieu was not able to explain what the exemption was.

Nitin Choksi asked if Jennifer Carlino reviewed the submitted plan and Mr. Magadieu said she had not. Nitin Choksi noted that the plan she did review did not show any wetlands as the plan submitted to the Zoning Board.


Tom Noel suggested that Mr. Magadieu check with Jennifer Carlino to show her the plan submitted to the Zoning Board. He suggested that the applicant check with Jennifer Carlino after she reviews the plan.

Frank Reynolds made a motion, seconded by Nitin Choksi, to continue the public hearing to Monday, December 15, 2014 to be held at 7:35 pm in the 1<sup>st</sup> floor Selectmen's meeting area. All in favor. **Approved.**

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

Minutes Approved by Committee on: April 27, 2015.

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