



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 July 23, 2015

The July 23, 2015 scheduled meeting of the Zoning Board of Appeals was called to order at 7:03 pm in the second floor conferenced room, Norton Town Hall, by Tom Noel, Chairman, with only one other member present, Frank Reynolds. Nitin Choksi was absent.

Tom Noel noted the only item on the agenda this evening is:

7:00 pm **16-01 – North Edgewater Nominee Trust, Peter M. LaChance, Trustee**
16 Maplewood Avenue; Application for Section 6 Finding (1.5e)

Document List

1. Application for a Section 6 Finding
2. Letter with application dated July 1, 2015 from Christopher D. Yarworth to Tom Noel, Chairman, ZBA
3. Reduced Building As-Built Plan
4. Foundation As-Built Plan
5. Color photos of the house
6. Previous ZBA Section 6 Finding Decision
7. Plan entitled "Proposed House Plan, 16 Maplewood Avenue, Norton, MA 02766 prepared by Yarworth Engineering Company, Inc, signed and stamped by Christopher D. Yarworth and dated April 24, 2014 with latest revisions on **May 14, 2014**.

Present at the public hearing was Chris Yarworth who explained that the house was built as proposed in the previous decision with two exceptions;

1. A one-foot overhang on the second level of the house
2. The front porch was extended one foot on each side of the foundation

Mr. Yarworth noted that the Building Inspector wanted clarification from the Zoning Board as to whether or not these variations violate the terms of the previous permit.

The board examined the new 2015 plans submitted against the 5/14/2014 Plan Revision from the recorded 2014 Decision, and noticed discrepancies other than the encroaching roof

overhangs. The 5/14/2014 Plan Revision indicated that the closest point of the permitted house in the 201 Decision would be 29.5 feet from the front yard setback at the Northwestern-most corner of the proposed front porch; the July 1, 2015 Building As-Built Plan showed that same Northwestern corner at 25.2 feet from the front yard setback (more than 4 feet closer than the 29.5 feet shown on the 5/14/14 Plan Revision), and a set of stairs extending from the front porch area to a distance of 20.8 feet from the front yard boundary. No stairs had been depicted on the 5/14/2014 Plan Revision.

Tom Noel noted that the Foundation As-Built Plan showed the *foundation* at 29.4 feet from the front property line. He noted that the 4.2-foot further encroachment to the 25.2-foot distance shown on the As-Built Plan was accounted for by the width of the 4x20 foot front porch that had been indicated on the 5/14/2014 Plan Revision, though it's distance to the front lot line was incorrect as shown on the 5/14/2014 Plan Revision.

Chris Yarworth commented that the number "29.5'" on the previously permitted plan should have been 25.2'.

Tom Noel commented that there are too many differences between the approved plan and the plan submitted with this project this evening. He noted he does not have the plan showing the latest revisions in June, 2015 and he would like to continue the public hearing in order to review the previous file on this property.

Mr. Peter LaChance commented that the buyer for this property is living in a motel and is in a hurry to resolve this problem. Tom Noel replied a decision cannot be made until the old file has been reviewed.

Chris Yarworth argued that this is a separate independent application and should not be compared with the previous file.

Frank Reynolds commented that the submitted plan is incorrect and the board needs a revised plan in order to make a decision.

Mr. Peter LaChance commented that the Building Inspector had originally approved all work done to date on this lot but suddenly questioned his own actions and asked for Zoning Board clarification.

Tom Noel asked if anyone in the audience had any comments. No one replied.

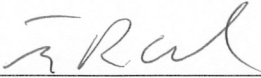
Tom Noel noted this application requires a 1.5 e Finding and 2 variances. He noted the applicant is requesting the Board make a decision based on information submitted with this application.

Frank Reynolds made a motion to continue the public hearing to Monday, July 28, 2015 at 7:00 pm to be held in the first floor lunch room area, seconded by Tom Noel. All in favor.

Approved.

Minutes Approved by Committee on: February 1, 2016.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'T. R. Noel', is written above a horizontal line.

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