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**Zoning Board of Appeals
Meeting Minutes
September 19, 2018**

The September 19, 2018 meeting of the Zoning Board of Appeals was held in the Second Floor Meeting Room and was called to order at 7:01 p.m. by Mr. Thomas R. Noel, Chairman. Members present: Mr. Lukasz Wasiak and Mr. Jim Tenore. Also in attendance was Amy Kwesell, Town Counsel, and Paul DiGiuseppe, Director of Planning and Economic Development.

**Public Hearing – Extension/Modification, 50 Lincoln, 135 Bay Road, Bay Road Heights
Chapter 40B Permit Modification Request.**

The applicant requested a continuance to the October 17, 2018 meeting per attachment A. A discussion ensued regarding the appeals process. In addition, the Board asked Town Counsel to write a letter to the applicant stating that due to a lack of progress and evidence of proposed changes that the Board will consider the request at the October 17 meeting. An abutter, Julie Giroux, stated she observed no construction activity.

MOTION was made by Mr. Tenore to continue the meeting to October 17, 2018. Seconded by Mr. Wasiak. Vote: Unanimous, MOTION CARRIES

Public Hearing –Section 6 Finding, 51 Eddy Street

The applicant, Mr. Gary Nepini, is requesting an addition to the existing single-family residence which the Building Commissioner has determined would result in an increase in habitable floor area of the structure by more than 25% (twenty-five percent). This is a pre-existing non-conforming use as the residence is in an Industrial zone. The existing structure is 908 sq. ft.; the proposed structure would be 1,392 sq. ft. Mr. Nepini provided an updated map titled "Nepini Residence, Master Bedroom & All Season Room Addition" dated May 13, 2018, Revised July 11, 2018 which contains new information including setbacks to the proposed structure. Building Inspector Christopher Carmichael stated he must receive as-built drawings as part of the building permit process.

Motion by Mr. Tenore under Article I, Section 175-1.5(E) of the Norton Zoning Bylaw to allow for construction of a new residential structure of 1,392 square feet as shown on the Plan of Record titled "Nepini Residence, Master Bedroom & All Season Room Addition" dated May 13, 2018 and Revised July 11, 2018, on the condition that Applicant provide as-built drawings to the Chief Building Inspector upon completion of the project. Second by Mr. Wasiak. All in favor, 3-0.

Public Hearing – Variance, 0 TeePee Trail

The applicant, Mr. Paul Freeman, withdrew the application without prejudice.

MOTION was made by Mr. Tenore to accept the withdrawal of the application, without prejudice. Seconded by Mr. Wasiak. Vote: Unanimous MOTION CARRIES

Public Hearing – Section 6 Finding, 22 Wampum Road

The applicant, Mr. Frank Caridi/SAWK, LLC, is seeking Section 6 relief for dimensional requirements for lot size and frontage for demolition of current single-family residence and construction of a new single-family residence on an undersized lot of 10,000 sq. feet in an R-60 zone requiring a lot size of 60,000 sq. feet. The proposed construction as shown on the Plan of Record would comply with all setback requirements.

Motion by Mr. Tenore for a finding under Article I, Section 175-1.5(E) of the Norton Zoning Bylaw to allow for the demolition and re-construction of a new residential structure as shown on the Plan of Record titled "Proposed House Location Plan at HSE. No.22 Wampum Road in Norton, MA" certified by Ralph I. Maloon, dated July 5, 2018, as the proposed structure will not be substantially more detrimental than the existing non-conforming use in that the it is of the same general class as the existing non-conforming use and will not significantly increase traffic, noise, bright lights, and other undesirable impacts on the surrounding environment. Second by Mr. Wasiak. All in favor, 3-0.

Public Hearing – Appeal of Building Inspector's Decision, 242 Mansfield Avenue

The applicant, Mr. Steven Bankert, requests a continuance due to outstanding Police issues as well as his attorney not being able to attend as tonight is Yom Kippur.

Motion by Mr. Tenore to continue to October 17, 2018. Second by Mr. Wasiak. All in favor, 3-0.

Public Hearing – Section 6 Finding, 117 Lincoln Street

The applicant, Mr. Paul Freeman, seeks Section 6 relief for lot size, frontage, side yard setback for demolition of an existing residential structure and replace with a new residential structure and garage. Mr. Freeman stated the property is under agreement contingent on the building permit, which has not been submitted to the Building Inspector. ZBA members stated the application was not clear as to what relief is being sought and the applicant's map was not clear such as not being able to clearly show setbacks. The ZBA also recommended the applicant meet with the Building Inspector to identify the needed dimensional standards.

Motion by Mr. Tenore to continue to October 17, 2018 and require the applicant to provide a Purchase and Sales Agreement or other type of consent of approval from the owner. Seconded by Mr. Wasiak. All in favor, 3-0.

GENERAL BUSINESS

Meeting Minutes

The Board reviewed and made edits to several outstanding meeting minutes, as follows, with members abstaining as to those meeting dates for which they were not in attendance:

MOTION was made by Mr. Wasiak to approve the minutes of February 6, 2018, as written. Seconded by Mr. Tenore. Vote: (3-0). MOTION CARRIES

MOTION was made by Mr. Wasiak to approve the minutes of March 6, 2018, as amended. Seconded by Mr. Tenore. Vote: (3-0) MOTION CARRIES

Future Meeting Dates

Future scheduled meetings include November 7 and December 5, 2018.

Adjournment

MOTION was made by Mr. Tenore to adjourn at 9:01 p.m. Seconded by Mr. Wasiak. Vote: (3-0) MOTION CARRIES

Minutes contemporaneously typed by: Paul DiGiuseppe, Director of Planning and Economic Development.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'TR Noel', is written above a horizontal line.

Thomas R. Noel
Chair, Norton Zoning Board of Appeals

Approved by Committee on: November 7, 2018

Attachment A

From: Paul Cusson <paul@delphicassociates.com>
Sent: Wednesday, September 19, 2018 9:55 AM
To: 'George' <george@5801998.com>
Cc: Carl Malloch <carl@mallochconstruction.net>; MICHAEL MALLOCH
<mpmcon@hotmail.com>; jmail20@aol.com; tnoel@lawnoel.com; IQuirk@k-plaw.com
Subject: RE: Notice of Rescheduled ZBA Public hearing

Hello All,

Unfortunately, due to personal reasons I am not able to attend the meeting this evening. I would like to respectfully request the meeting to be changed to the next available date for the ZBA. I do apologize for any inconvenience this may have caused. Please advise.

Thank you.



PAUL E. CUSSON
MANAGING MEMBER
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