



RECEIVED
NORTON TOWN CLERK
2018 NOV -9 A 9:51

**Zoning Board of Appeals
Meeting Minutes
October 17, 2018**

The October 17, 2018 meeting of the Zoning Board of Appeals was held in the Second Floor Meeting Room and was called to order at 7:00 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, Christopher Carmichael, Building Commissioner 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 property owner, George Polillio, stated he is working with neighbors in order to secure a drainage easement for the property. The Board expressed its concern about the project's lack of progress and that they have not seen proposed revisions to the plan. Mr. Polillio stated his expectation is to move forward with the existing plan. When asked about the development plans, Mr. Polillio stated they do not have a timetable as they need the permit renewed. There has been no progress on obtaining an updated wetlands permit. Ms. Kwesell advised that the applicant is Bay Road Heights, LLC and that Mr. Polillio is not listed as a Manager per the Secretary of State's website. Mr. Polillio confirmed he is not a Manager of the LLC but is the owner of the property. Ms. Kwesell stated that only the applicant, in this case Bay Road Heights, LLC, can apply for an extension or modification. Ms. Kwesell also advised that Bay Road Heights, LLC has not filed an annual report since 2015 and may not be in good standing. Only LLCs in good standing can submit 40B applications or maintain 40B permits. The Board discussed continuing to November 7 but advised Mr. Polillio that he must by the further continued meeting advise the Board concerning his legal connection to Bay Road Heights LLC and that the Department of Housing and Community Development must sign off on eligibility, and Mr. Polillio must include a construction schedule for the plan of record.

**MOTION was made by Mr. Tenore to continue the hearing to November 7, 2018.
Seconded by Mr. Wasiak. Vote: Unanimous, MOTION CARRIES**

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

Motion by Mr. Tenore to hear item for further consideration. Second by Mr. Wasiak. All in favor, 3-0.

The applicant’s attorney, Mr. Jeff Denner, requested a continuance due to an ongoing criminal investigation into his client, the applicant, Mr. Bankert. Board advised counsel to submit more specific information concerning the timing he anticipates by the next meeting date.

Motion by Mr. Tenore to continue to November 7, 2018. Second by Mr. Wasiak. All in favor, 3-0.

Public Hearing – Section 6 Finding, 117 Lincoln Street

Motion by Mr. Tenore to hear item for further consideration. Second by Mr. Wasiak. All in favor, 3-0.

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. The applicant provided a new plan of record “Zoning Plan 117 Lincoln Street” which identified the dimensional requirements. In addition, he produced a letter by Daniel Rich, personal representative of the Estate of Linda Emerson, stating the sale of the property is contingent upon Mr. Freeman receiving the appropriate approvals and the purchase and sales agreement requires Mr. Freeman seek those approvals. There was discussion about the adequacy of the plan of record. Mr. Carmichael stated will verify the as-built plans are consistent with the written restrictions imposed by the Board in any decision.

Motion by Mr. Tenore to close the public hearing. Second by Mr. Wasiak. All in favor, 3-0.

Motion by Mr. Tenore under Article I, Section 6.1 of the Norton Zoning Bylaw for a determination that the pre-existing non-conforming structure to be demolished and a new single-family residence to be constructed per the Plan of Record and as further limited: (1) that the front of the new structure shall be situated no closer than 48 feet from the front yard boundary, such distance to be confirmed by the Building Commissioner with further certified plans as appropriate; (2) the structure shall be located no closer than 18 feet to the boundary on the eastern side, and (3) the structure shall be located no closer than 33 feet to the boundary on the western side, shall not render the parcel substantially more detrimental than the existing non-conforming use and 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.**

Motion by Mr. Tenore that variance relief is appropriate, that owing to special conditions affecting specifically the parcel at issue but not generally the zoning district itself – the shape of the parcel and existence of wetlands - a literal enforcement of the front and side setback requirements would involve substantial hardship, and in that desirable relief may be granted without substantially derogating from the intent and purpose of the bylaw, as follows: the front of the new structure, whereas 50 feet is required, shall be situated no closer than 48 feet from the front yard boundary, such distance to be confirmed by the Building Commissioner with further certified plans as appropriate; (2) the structure shall be located, whereas 35 feet is required, no closer than 18 feet to the side-yard boundary on the eastern side, and (3) the structure shall be located, whereas 35 feet is required, no closer than 33 feet to the boundary on the western side. **Second** by Mr. Wasiak. **All in favor, 3-0.**

Public Hearing – Variance, Blue Star Business Park

The applicant, represented by Jeffrey O'Neill and Mark Dibb stated they are seeking relief for dimensional requirements for minimum lot size requirement for Lots 1, 2 and 3 as shown on the plan of record (see attached presentation). These lots are within Zone II of the Water Resources Protection District which has a minimum lot size of 80,000 square feet. The applicant is seeking a variance to reduce the minimum lot size to 45,000 square feet, which is the requirement for the Industrial Zoning District. Applicant stated they are seeking request because they will be connecting to the Town's sewer system as well as the preservation and restoration of green space. While they have sufficient lot size currently, the requested variance will also provide them with flexibility in the construction of buildings. The variance is needed to be granted prior to approval of the Preliminary Subdivision which will be reviewed by the Planning Board on October 23, 2018

Maureen Stravinsky and John Hogan raised concerns about downstream flooding. Building Inspector Christopher Carmichael spoke in favor of the application as filed. Brief discussion ensued.

Motion by Mr. Tenore to close the public hearing. **Second** by Mr. Wasiak. **All in favor.** Public hearing closed.

DECISION

Motion by Mr. Tenore for a finding under Article 6, Section 7.A of the Norton Zoning Bylaw to allow relief for dimensional requirements for minimum lot size requirement from 80,000 square feet to 45,000 square feet for Lots 1, 2 and 3 as shown on the plan of record as the variance will not be substantially more detrimental 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.**

GENERAL BUSINESS

Meeting Minutes

The Board deferred voting on the September 19 minutes to the November 7 meeting.

Adjournment

**MOTION was made by Mr. Wasiak to adjourn at 9:02 p.m. Seconded by Mr. Tenore.
Vote: (3-0) MOTION CARRIES**

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

Respectfully Submitted,



Thomas R. Noel
Chair, Norton Zoning Board of Appeals

Approved by Committee on: November 2, 2018

Attachment A



BlueStar Business Park

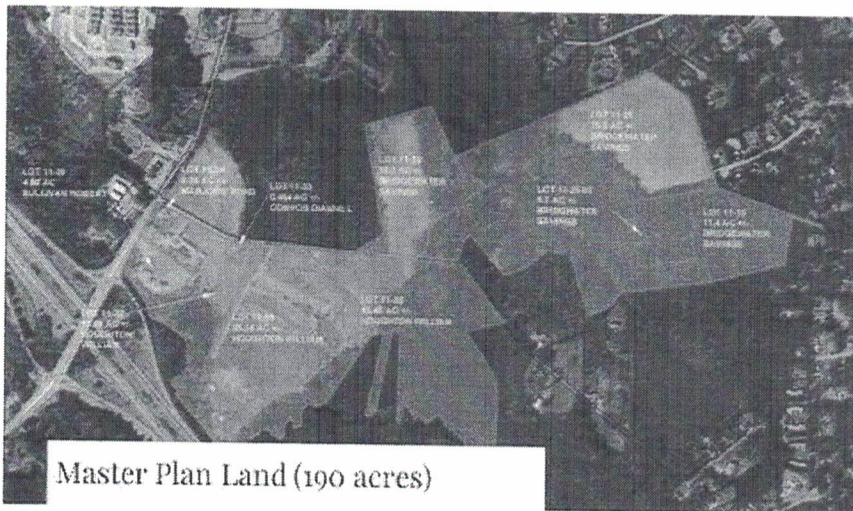
Norton • Massachusetts

VARIANCE REQUEST – SECTION 6.7.a of Norton Zoning Bylaw

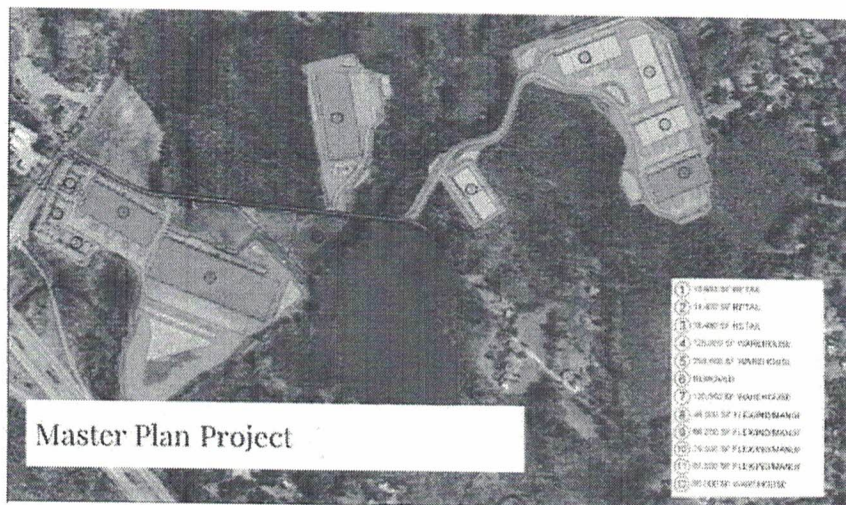
- Min. Lot Area required in Zone II of the Water Resource Protection District = 80,000 S.F.
- Request variance to allow minimum lot area to be 45,000 S.F.

Basis for Variance

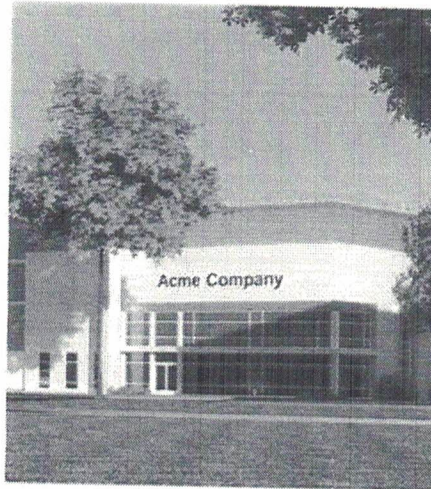
1. Reduced area compensated by creation of new buffer-zones, natural green spaces throughout the park
2. Adequate lot area exists but not configurable in a way to create lots that meet all other zoning.
3. Development is proposing to connect to Town Sewer system. No Septic system
4. Mitigation costs including Sewer connection, Traffic Improvements, Drainage and Roadway Widening



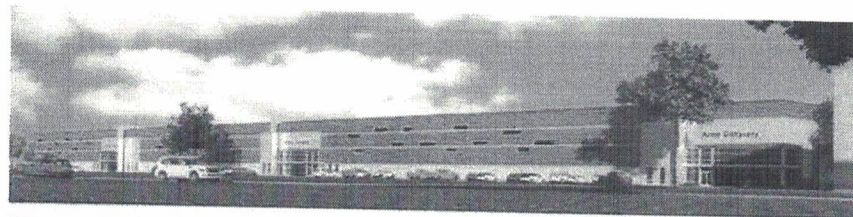
Master Plan Land (190 acres)

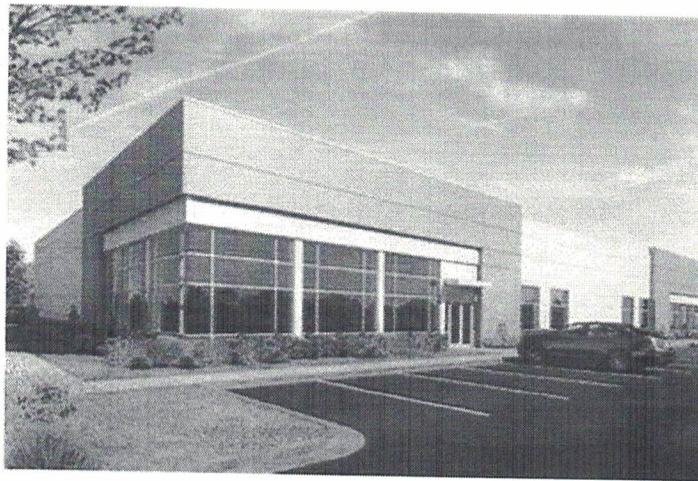
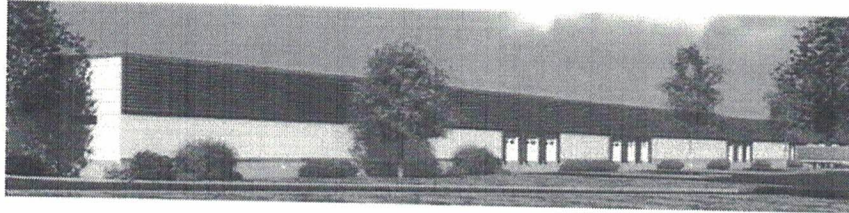
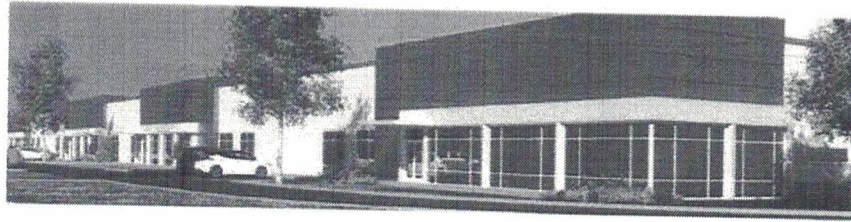


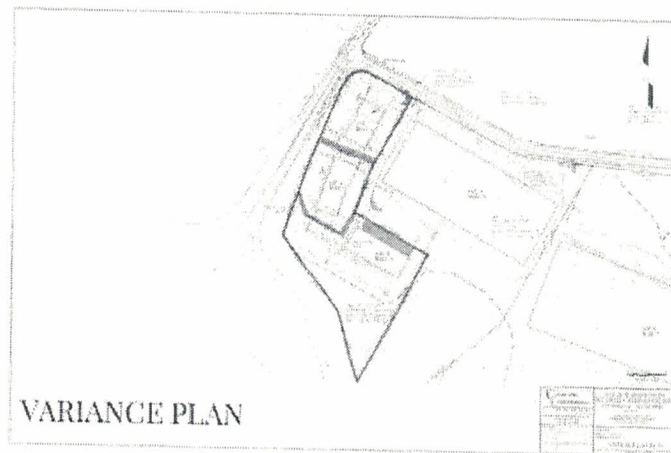
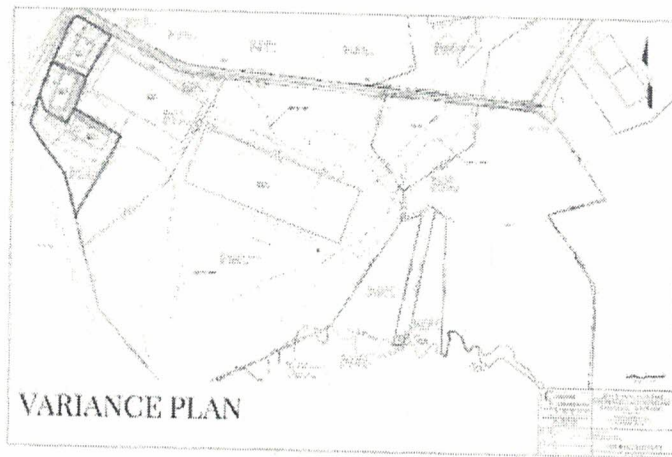
Master Plan Project

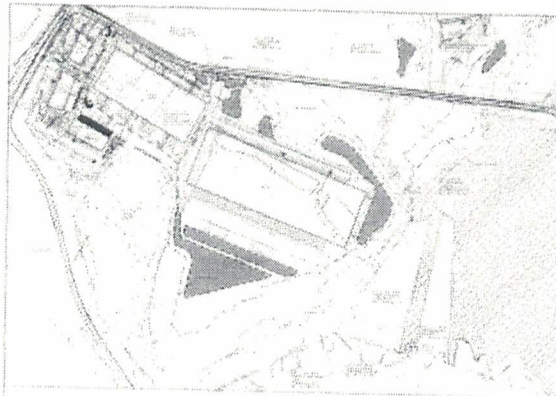
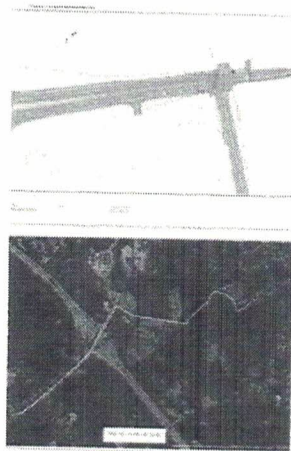


A combination of industrial, flex, ancillary retail, and office space.

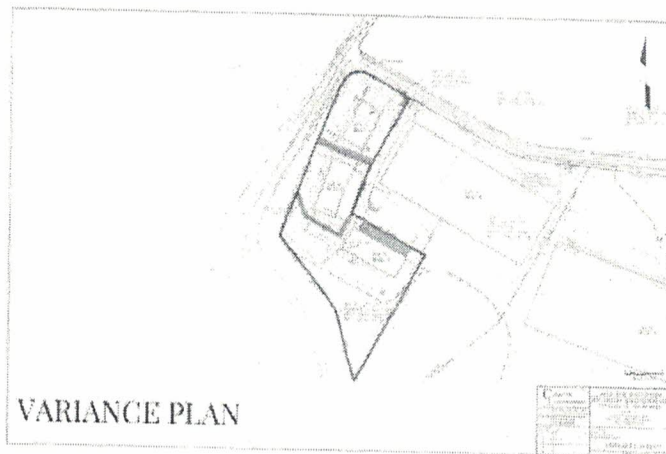








MITIGATION / FINANCIAL COMMITMENT



VARIANCE PLAN