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**Zoning Board of Appeals
Meeting Minutes
January 9, 2019**

The January 9, 2019 meeting of the Zoning Board of Appeals was held in the Second Floor Meeting Room and was called to order at 7:02 p.m. by Mr. Thomas R. Noel, Chairman.

Members present: Mr. Jim Tenore, Mr. Allen Bouley and Mr. David Wrenn. Also in attendance was, Paul DiGiuseppe, Director of Planning and Economic Development and Chris Carmichael, Building Inspector. Absent was Mr. Lukasz Wasiak. Mr. Noel designates Mr. Tenore and Mr. Wrenn as voting members for this meeting.

Public Hearing – Appeal of Building Inspector’s Decision, 242 Mansfield Avenue Case #18-12. Continued from prior meeting.

Mr. Bankert’s Attorney, Joseph Keller and Mr. Bankert present. Motion by Mr. Tenore to resume consideration of the matter continued at prior meeting, second by Mr. Wrenn. Mr. Keller questions why this is before the Zoning Board. Mr. Noel explains his understanding that any appeal of a building inspector’s decision comes to the ZBA. Mr. DiGiuseppe cites Zoning Bylaw 10.8 which provides that Building Inspector decisions may be appealed to the ZBA. Mr. Keller states he would be willing to answer questions not related to the pending criminal matter against Mr. Bankert. Mr. Keller distributes a number of documents including legal argument, not previously provided to the Board.

Mr. Noel suggests continuing the hearing so as to seek the review and advice of Town Counsel, who was not able to be present tonight due to illness. Mr. Keller agrees to provide written continuance beyond the 100-day period. Mr. Keller provide a written authorization.

MOTION by Mr. Tenore to continue hearing to the February 6 meeting, to request counsel’s advice, and to accept the written waiver. Seconded by Mr. Wrenn. Vote: Unanimous MOTION CARRIES

Public Hearing – Appeal, 21 Samoset Street Case # 18-17

The applicant, Mr. Dana Junior, was present at hearing along with his counsel, attorney James F Creed. Mr. Junior states he is the owner of the Trust that currently owns the property. Mr. Creed

discuss refers Board to plot plan showing frontage on Bignell Street (50+ feet) and frontage on Samoset (40 ft). Mr. Creed states "vital access" under the bylaw is sufficient on Samoset Street and their frontage is on Bignell Street. Board asks questions about lots surrounding 21 Samoset and the condition of Bignell Street. Mr. Carmichael speaks about the history of this property based on fire and building expectations. The 40 feet on Samoset is what the Town considers to be the frontage for the lot, which is insufficient under the bylaw to provide vital access. Mr. DiGiuseppe notes that Bignell Street appears to be used as a driveway, is dirt and has growth on it. Mr. Junior agrees the house in the back uses it for access.

Thomas Power, the builder looking to purchase the lot from Mr. Junior, speaks in favor of the appeal, he also owns 15 Samoset, which he is working on. Mr. Power and Mr. Junior discuss the possibility of buying the lot next to 21 Samoset, owned by the Town. Mr. Junior mentions previous attempt to buy the land and states he is having issue getting answers from the Town.

Mr. Tenore seeks clarification as to access to the dwellings behind the lot. Kerri Anne Cummings, who lives in the house on the rear lot, confirms she uses Bignell to access her home, that she clears snow from the road and that it is not maintained by the Town.

Mr. Creed restates the position that Samoset satisfies their need for vital access. Mr. Junior says the previous building inspector recommended that he get 10 additional feet from Bignell Street to satisfy vital access. Mr. Noel discusses the setback requirements for building a house on the lot, and that the current drawings do not satisfy the requirements. Mr. Noel asks applicant to submit an updated plan satisfying those needs.

Mr. Carmichael notes that a building plan in this area would go through numerous departments to ensure it met all requirements, especially as it is within the flood zone. Mr. Carmichael also reminds the board they should be focusing on deciding if this lot fulfills the requirements to be a buildable lot. Applicant agrees to continue hearing to next meeting.

Motion by Mr. Tenore to continue the hearing to the February 6 meeting in order to obtain more information about previous activity concerning the property. Second by Mr. Wrenn. All in favor.

Public Hearing – Appeal, 350 Old Colony Street Case #19-01

Applicant, Ms. Leann Salley, was present. Application seeks to erect an 18-foot-high, 86 square foot area sign. The size exceeds the standard of 12 feet in height and 48 square feet in area. The size of the sign is requested to help identify the businesses, which are located toward the back of the property and not visible from the street. Building Commission Mr. Carmichael supports the

proposal but urges that sign be positioned at least five feet from Route 123 to satisfy safety concerns and agrees to work with Applicant to accomplish this.

Motion by Mr. Tenore to approve the Application and sustain the appeal of Building Inspector's Decision for a sign that is 18-feet high and 86 square feet in area as shown on the plan of record, with condition that it be placed at least five (5) feet from the property line on Route 123 to be determined from the centerline as verified by the Highway Supervisor. Second by Mr. Wrenn. All in favor.

GENERAL BUSINESS

Meeting Minutes

Motion to approve December 5, 2018 meeting minutes by Mr. Tenor, Second by Mr. Wrenn. All in favor.

Bills

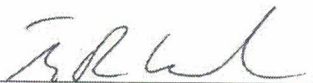
Motion to approve by Mr. Tenor, Second by Mr. Wrenn. All in favor.

Adjournment

MOTION was made by Mr. Tenore to adjourn at 8:56pm. Second by Mr. Wrenn. Vote: (3-0) All in favor

Minutes contemporaneously typed by: Nicole Salvo, Administrative Assistant for the Planning and Zoning Board of Appeals.

Respectfully Submitted,



Thomas R. Noel
Chair, Norton Zoning Board of Appeals

Approved by Committee on: Feb. 6, 2019