



RECEIVED
NORTON TOWN CLERK

2019 APR 25 A 10:24

Zoning Board of Appeals Meeting Minutes March 27, 2019

The March 27, 2019 meeting of the Zoning Board of Appeals was held in the Board of Selectmen's Meeting Room and was called to order at 7:05 p.m. by Mr. Tom Noel, Chairman. Members present: Mr. Jim Tenore, Mr. Lukasz Wasiak, Mr. Allen Bouley and Mr. David Wrenn. Also in attendance was Paul DiGiuseppe, Director of Planning and Economic Development, and Christopher Carmichael, Building Commissioner.

Mr. Noel Nominates Messrs. Tenore and Wasiak to be voting members at tonight's meeting. Mr. Noel informs the Board that 124 Bay Road has been continued to the April 24th meeting.

Public Hearing – Appeal of Building Inspectors Decision #19-09, 131 Taunton Ave.

Applicant / Owner: William Brandon & Attorney Matthew Costa.

Mr. Noel recites and reviews the Building Inspectors denial letter.

Mr. Costa provides handouts to the Board; this is the first they are seeing this material. Mr. Noel would like it noted there is a 4-page letter in this rather large packet. He proceeds to ask Mr. Carmichael for his background on the site in question.

Mr. Carmichael informs the reasoning for his denial:

- 6,800sf multiuse building
- 2,700sf duplex, each floor constitutes as a dwelling with an eating, sleeping and bathing area.
- 4,050sf commercial bays
- Bylaw does not allow a commercial building in a residential zone.
- WMB construction is registered to this address
- A fair amount of construction vehicles and equipment are located on the site.

Attorney Costa reviews some of the actions Mr. Brandon has done to move forward as a farm:

- Removed all items per Conservation Agent request (tires etc.)
- 2016 registered as a farm
- Received Conservation Commission approval for driveway in wetlands
- Planted approximately 20 trees
- Building is part dwelling and part barn

Mr. Noel asks Attorney Costa is he taking the position that the farm use trumps all other issues occurring on the site, such as construction equipment?

Board questions and concerns:

- Why has the Applicant not developed land & plantings if this has been owned for 5 years?
- Why would all these other construction machines and vehicles be on the land if it is intended to

be farmed?

- One member notes they live near the site and has never seen a tractor on site
- How long has the applicant had to remove the violations or seek relief?
 - Mr. Carmichael- 90 days

Mr. Brandon states that he had removed everything off the site other than what is needed for the farm including removing the trailers.

Mr. Carmichael states after 90 days he would go out and revisit the site.

Board Questions and Concerns:

- How will the farm make sales?
- Why was a farm stand not submitted with the plan?
- Need to be sure future use is for the farm
- Does anyone live in the trailers?
 - Mr. Brandon states no
- Did you move all the trailers while cultivating crops?
- Board to Mr. Carmichael, did you investigate inside the trailers?
 - Mr. Carmichael states he did not but took photos.
- Mr. Noel notes that conditions are able to be made for this project if the Board chooses to pass it.
 - Would also like to have Mr. Carmichael go out and review site to see if these issues were remediated.

Community voices their concerns at this time. Main concerns were leakage into well water; noises made currently at the site; someone currently living in trailer. Please refer to the video located on the Norton Media Center website for further detail.

Board Questions and Concerns:

- Inquired if the site is served by septic or sewer.
- Inquire whether the applicant has not used this parcel for his business.
- Asked why the trailers have so much construction debris in them.
- Would like a new, accurate drawing of the layout proposed for the farm land, crop location and such, with dimensions.
- Need to check the bylaw for dumpster and trailer on site and how long they are allowed to be there
- Board would like to schedule a visit for all the members to visit the site, if possible.
- Mr. DiGiuseppe asked if it is safe to grow vegetables in the soil considering the property was once a dump? Has the soil been tested?

**Motion to continue to the April 24th meeting made by Mr. Tenore, Second by Mr. Wasiak.
All in favor. MOTION CARRIES**

**Open ZBA file 19-10 124 Bay Road. Motion to continue to April 24 made by Mr. Tenore,
Second by Mr. Wasiak. All in favor. MOTION CARRIES**

GENERAL BUSINESS

Meeting Minutes

Motion to approve as corrected March 7, 2019 meeting minutes by Mr. Tenore, Second by

Mr. Wasiak. All in favor. MOTION CARRIES

Adjournment

MOTION was made by Mr. Tenore to adjourn at 8:35pm. Second by Mr. Wasiak.

Vote: All in favor. MOTION CARRIES

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: April 24, 2019

