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**Town of Norton
Zoning Board of Appeals
Minutes of Meeting Held on January 27, 2021**

Pursuant to the State of Emergency declared in the Commonwealth of Massachusetts on March 10, 2020 due to the Coronavirus Covid-19 pandemic, the subsequent Orders of Governor Charles D. Baker, and pursuant to the Declaration of Emergency in the Town of Norton dated March 16, 2020 and the directives of the Board of Selectpersons, the January 27, 2021 meeting of the Zoning Board of Appeals was held by Remote Means, telephonically and *via* electronic visual means, with reasonable access provided for interested parties and members of the public as noticed.

The meeting was called to order at 7:03 p.m. by Tom Noel, Chair. Members participating remotely: Mr. James Tenore and Mr. David Wrenn. Absent: Mr. Lukasz Wasiak and Mr. Allen Bouley. Also in attendance remotely was Paul DiGiuseppe, Director of Planning and Economic Development and Judi Barrett, Town 40B Consultant.

Mr. Noel notes standing Orders regarding public meeting remote participation. The meeting will be recorded and available to the public on the Norton Media Center YouTube page.

PUBLIC HEARING-Appeal of Building Inspector's Decision

ZBA File No. 21-07

Property Address: 20 Eisenhower Drive

Applicant: Michael Bisceglia, 22 Eisenhower Drive. / Property Owners: Sandra & Anthony Buccieri, 20 Eisenhower Drive

Applicant appealed the Building Inspector's decision to allow for a shed to be built at 20 Eisenhower Drive, but Applicant has now requested that their appeal be withdrawn as they have further discussed the issue with their neighbors.

Mr. Noel believes the Board should not accept the withdrawal as the Permit appears to have been granted in error, without regard to the need for a determination for a preexisting nonconforming use. Board members discuss and agree. The Board discusses the result and that the Buccieris should consider applying for a variance in order to protect their own interests going forward.

Motion to deny the request to withdraw the Appeal and to overturn the Building inspector's Decision. Motion made by Mr. Tenore, Second Mr. Wrenn. ROLL CALL VOTE: Mr. Tenore, yes Mr. Wrenn, yes Mr. Noel, yes. Building Inspector's decision is overturned.

CONTINUED-PUBLIC HEARING - 40B Comprehensive Permit

ZBA File No. 20-13

Property Address: 195 Mansfield Avenue

Applicant/Owner: A.R. Building Company/Owner: GUS Nominee Trust

Voting members for this application are Mr. Noel, Mr. Tenore, and Mr. Wrenn.

Water and Sewer Commissioner, Frank Fournier present along with Mr. Luke Grant, Chairman of Water and Sewer Commission. Attorney Freeman provides overview of his interaction with the Water and Sewer Commission, including:

- The Water and Sewer Commission will not accept the fee waivers;
- Water and Sewer Commission's own Peer Review is complete and acceptable.

Discussion on any updates or changes to the decision and comments added from the Conservation Commission. Timeline discussion for closing the public hearing and completing the written decision. Board reviews draft decision, conditions with comments and edits, including:

- Regulatory conditions
- Standard Conditions of approval
- Prior to Construction
- Prior to issue of Certificate of Occupancy
- Post Occupancy

Mr. Noel asks if there are any questions or comments from the public and notes the absence of a response.

Motion to close the Public hearing made by Mr. Wrenn second Mr. Tenore. ROLL CALL VOTE: Mr. Tenore Yes, Mr. Wrenn Yes, Mr. Noel Yes.

The Board reviews the series of votes noted in the draft decision and discusses vote formalities with Applicant's counsel and Ms. Barrett.

MOTION made by Mr. Tenore, Second by Mr. Wrenn, to approve the application for Comprehensive Permit under Mass. Gen Law § 40B, including affirmative votes on all issues concerning jurisdiction, the findings of fact, the conditions of approval, and the List of Waivers as discussed and reviewed and contained in the draft decision, and as shown and depicted on the Plans of Record, with the Chair and Mr. DiGiuseppe authorized to continue editing and finalizing the written Decision for signing in conformance with these votes within the time permitted by statute. Roll Call VOTE: Mr. Tenore Yes, Mr. Wrenn Yes, Mr. Noel Yes. Comprehensive Permit Granted.

General Business

Board discusses 253 Mansfield Ave returning to the Agenda on February 27th and that they will need to be brought up to speed and review old materials.

Minutes

**November 18th minutes: Motion to approve made by Mr. Tenore, Second Mr. Wrenn.
ROLL CALL VOTE: Mr. Tenore, yes Mr. Wrenn, yes Mr. Noel, yes.**

**December 14th minutes: Motion to approve made by Mr. Tenore, Second Mr. Wrenn.
ROLL CALL VOTE: Mr. Tenore, yes Mr. Wrenn, yes Mr. Noel, yes.**

Adjournment

**Motion to adjourn at 9:19 pm made by Mr. Tenore, second by Mr. Wrenn. ROLL CALL
VOTE: Mr. Tenore Yes, Mr. Wrenn Yes, Mr. Noel Yes.**

Minutes contemporaneously typed by Nicole Salvo, Administrative Secretary for the Zoning Board of Appeals.

Edited and Respectfully Submitted,



Thomas R. Noel, Chair
Norton Zoning Board of Appeals

Approved by Committee on: March 24, 2021