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**Town of Norton  
Zoning Board of Appeals  
Minutes of Meeting Held on April 14, 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 February 17, 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 7:00 p.m. by Tom Noel, Chair. Members participating remotely: Mr. James Tenore, Lukasz Wasiak, Mr. David Wrenn. Also in attendance remotely was Paul DiGiuseppe, Director of Planning and Economic Development

Mr. Noel reviews the Governor's Order regarding public meeting remote participation. The meeting will be recorded and available to the public on the Norton Media Center YouTube page.

**PUBLIC HEARING-Variance**

ZBA File No. 8009

Property Address: 0 Tipping Place

Applicant/Owner: Peter T Clark/Howard James F Trustee

Applicant is asking for Frontage relief from 150' to 40'.

Mr. Wrenn recuses himself from the matter.

Mr. Noel shares that Mr. Wasiak will not be available till possibly after 9pm and asks the applicant if they would agree to a continuance and an extension.

Attorney Clark agrees to continue the matter and will also submit a formal extension request.

**Motion to continue to the May 12th meeting at 7:00 made by Mr. Tenore, Second Mr. Noel.  
Roll Call- Yes, Mr. Tenore, Yes, Mr. Noel.**

## **PUBLIC HEARING-Variance**

ZBA File No. 7923

Property Address: 0 Knollwood Street

Applicant/Owner: Phillip Ibrahim/Ibrahim Deborah A Trustee

Applicant is asking for Frontage relief from 150' to 30'.

Applicant Mr. Ibrahim shares information on the lot, his plans and history of the case.

- 30ft of frontage – 50ft would make this a small and contiguous lot
- Denied in 2008- withdrew appeal case
- No house was ever built on the lot
- Bought at the auction in 2005 or 2006- claims inspector told him all he needed was a variance to build

Mr. Noel shares that the applicant may have wanted to seek legal opinion on the property when he first purchased to be clear this was buildable

Mr. Ibrahim believes the hardship is that the size of the lot makes this buildable in comparison to the rest in the area and this land is a financial burden

Abutter: Mr. Kitchen 9 Knollwood-believes 259-01 was once part of this and has been split so the water changes. Speaks about the stormwater and wetlands issues. Reasonable expectations of the neighbors that this was not buildable. Thinks the hardship is self-imposed and sees no change from 2006 decision.

Abutter-Robert Holms-12 Knollwood-opposed, felt letter sent to the neighbor mentioned low-income housing going onto the site.

Abutter- William belcher- 11 Knollwood-traffic and environmental concerns. His privacy as well.

Mr. Noel asks Mr. Ibrahim who owns 259-01- thinks town may own, not sure.

Martin Flynn- 14 Knollwood – frontage concern, talks about the exceptions. Concern if you allow this that many others would expect the same. Shares the town put in drainage and sewer and this is a low area, could cause water issues for abutters.

Mr. Ibrahim disagrees this is not a low area, and he thinks that the houses that are on either side should not have been built if this was a low area. Shares he sent a letter to abutters asking for support, as he was hoping to create a suitable house for all the neighbors, not to create an imposition to the neighbors.

Abutter- Karen Berube- 7 Knollwood- opposed, when they purchased they were told this lot was unbuildable.

Mr. Noel asks members for questions- Mr. Wrenn asks how 6.3 is applicable.

Mr. Ibrahim talks about how he feels this is a small-and contiguous lot.

Mr. Noel reads through 175-6.3

Mr. Ibrahim promises to keep harmony in the neighborhood and to work with the town to make sure this happens. He believes this would be unfair to him for the town by-law to not allow him to do so.

**Motion to close public the hearing made by Mr. Tenore, Second Mr. Wrenn. Roll Call- Yes, Mr. Wrenn, Yes, Mr. Tenore, Yes Mr. Noel.**

Members discuss: feel variance request is significant 150'-30'. Recall previous decision. Mr. Noel discusses that the applicant may have unknowingly or knowingly put the burden on himself. He talks about the driveway size and safe access for the fire dept. Mr. Tenore agrees the bylaw is clear and they have been consistent with their 150 frontage requirement and how much they divert from it. Mr. Wrenn also agrees this situation is unfortunate, but he too agrees this request is a very large one. Mr. Noel also believes they don't have evidence to when the lot was formed, only when it was purchased. Does not think they could make a finding under 1.5e.

**Motion to deny the application for a variance made by Mr. Tenore, Second Mr. Wrenn. Roll Call- Yes, Mr. Wrenn, Yes, Mr. Tenore, Yes Mr. Noel.**

**PUBLIC HEARING-Variance**

ZBA File No. 8317

Property Address: 30 Keith Drive

Applicant/Owner: Cody & Calista Thompson

Applicant is asking for a Variance for side yard relief and a finding under 175-1.5(e), for an increase in non-conforming use.

Cody and Calista Thompson, applicants, present

Applicant shares they are looking to build off their house, to create a space for their grandmother to move in with them.

Parallel with the side of the house

Will need a variance and a finding under 1.5e as this is an undersized lot. Side yard setbacks are permitted to be 15' per the developments approvals, they are asking for a reduction to less.

Joe Dubsy- 9 Keen way-shares this was a cluster development.

Board would like to consult counsel on this matter, and research the set back agreements for this development.

**Motion to continue to may 12th at 7:05 pm made by Mr. Wrenn, Second Mr. Tenore. Roll Call- Yes, Mr. Wrenn, Yes, Mr. Tenore, Yes Mr. Noel.**

## **CONTINUED-PUBLIC HEARING-40B Comprehensive Permit**

ZBA File No. 20-14

Property Address: 253 Mansfield Avenue

Applicant/Owner: 253 Reservoir, LLC

Applicant seeks to construct a 60-unit rental apartment building including 15 affordable housing units.

Mrs. Lynn Sweet, present on behalf of applicant.

Peer Reviewers:

Pat Brennan

Draft decision provided late last week along with updated plans, for the board to review.

Mr. Noel asks Applicant for an update review.

Lynn Sweet- Kameron Campbell provided updates plans and stormwater and will review with board.

Mr. Campbell reviews stormwater changes.

There was also a review of conditions, conservation comments and discussion on water service.

Mr. Noel asks what discussions have been had with water and sewer- applicants sent revised plans and they are waiting to hear back.

No waiver of water and sewer fee's.

Board requests number of bedrooms in each unit.

Paul goes over his suggested changes: individual vote suggestions, waivers list, and minor grammar changes.

Comments will be combined and sent to everyone.

**Motion to continue to 7:10pm on May 12th, made by Mr. Wrenn, second Mr. Tenore. Roll Call- Yes, Mr. Wrenn, Yes, Mr. Tenore, Yes Mr. Noel.**

## **Bills and Warrants**

Designee to sign all warrants-

**Motion to assign Mr. Noel as the designee with Mr. Wrenn as the alternate made by Mr. Tenore, Second Mr. Wrenn. Roll Call- Yes, Mr. Wrenn, Yes, Mr. Tenore, Yes Mr. Noel.**

Bills will be handled administratively

## **Minutes**

February 17th- **Motion to approve made by Mr. Mr. Wrenn, Second Mr. Tenore. Roll Call- Yes, Mr. Wrenn, Yes, Mr. Tenore, Yes Mr. Noel.**

March Executive session minutes, and the process of submitting is discussed.

## **EXECUTIVE SESSION**

Executive Session under G.L.c 30A§21(a)(3) to discuss strategy with respect to litigation regarding Mohammad Farid v. Thomas R Noel et al. (Town of Norton Zoning Board of Appeals)

Bristol Superior Court, C.A. No. 1973CV00972C. Votes may be taken.

**Motion to go to executive session at 9:04pm and not return to open session made by Mr. Wrenn second Mr. Tenore.**

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

Edited and Respectfully Submitted,



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Thomas R. Noel  
Chair, Norton Zoning Board of Appeals

Approved by Committee on: May 17, 2021

