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**Town of Norton
Zoning Board of Appeals
Minutes of Meeting Held on June 16, 2021**

The June 16, 2021 meeting of the Zoning Board of Appeals was held by Hybrid Means, in person and through ZOOM, with access provided for interested parties and members of the public as noticed. The in-person meeting is being held at the Norton Media Center.

The meeting was called to order at 7:00 p.m. by Tom Noel, Chair. Members participating Mr. James Tenore, Mr. Lukasz Wasiak and Mr. David Wrenn. Also in attendance is Nicholas Iafrate, the Building Commissioner and Planning Director Paul DiGiuseppe.

The meeting will be recorded and available to the public on the Norton Media Center YouTube page.

CONTINUED-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. Peter Clark is present. Mr. Noel states he will pass over Mr. Clark as Mr. Wasiak is not currently present. The applicant is willing to have a continuance until the following meeting in July.

Motion to continue the application to take place on July 21, 2021 at 7pm was made by Mr. Tenore and seconded by Mr. Noel. Procedural vote Roll Call; Mr. Tenore Yes, Mr. Wrenn Yes, and Mr. Noel Yes.

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. Lynne Sweet and Mr. Paul Haverty are present representing 253 Reservoir, LLC. Mrs.

Sweet starts by addressing that there were two matters one was the board requested the developer have security cameras in the buildings and try to get a bus shelter. The cameras were written in and the bus shelter was not possible to make without it being deemed unsafe. The other matter was Mrs. Judi Barrett had wanted a language change in one of the paragraphs regarding the fair housing marketing plan and the local preference. Mrs. Barrett had stated in her comments that this matter was not in the board's purview. Mr. DiGiuseppe explains further on Mrs. Barrett's comments that if Norton were to have a housing partnership or other housing committee that the local preference should be left to them to work out the applicant's lottery which is something we do not have. Mrs. Sweet asks the board if the Town would not like to have the preference. Mr. Noel is unsure if the removal of the local preference was conditional. Mrs. Sweet and Mr. Haverty tell Mr. Noel that if the preference is not in the language, it will not be implemented at all.

Mrs. Barrett arrives to the zoom call and states her stance on the local preference was it wasn't in the ZBA's jurisdiction and that there could be a condition put in the permit which would say prior to submitting the affirmative fair housing marketing plan to the subsidizing agency the proponent developer will send it to the planning department for review and approval. Mrs. Sweet wants to review the language with Mrs. Barrett as she believes the paragraph is different as she states that the permit has it so the appropriate members will be asked to have their opinions on the local preference put in place. Mrs. Barrett replies that the ZBA should not be the ones deciding the preference numbers that would be reviewed and let Mass Housing decide on how much if at all the preference would impact. That by removing the paragraph with the local preference would still allow the Town to review whether or not the preference would be implemented. Mr. Haverty comments that the language about town having approval authority over the affirmative fair housing marketing plan is inconsistent. Mrs. Barrett states the language would be fine as it was but to still add in that the affordable housing plan will be review and comment on by the town. Mrs. Barrett states that with the new language paragraph B4 is not needed. Mrs. Sweet and Mr. Haverty agree with the language changes.

Mr. Noel asks Mrs. Sweet and Mr. Haverty why the engineer was not able to find a bus shelter for the property. Mrs. Sweet states the engineer had found a place for the bus shelter that was given to the town and was not able to put it in due to the conflict of setbacks, the highway layout, turning radiuses, and the dumpster. So, with the setbacks it was seen as unsafe to have the bus shelter. Mr. Tenore asks if the bus shelter could not be constructed due to the setback or if there wasn't enough space for construction. Mrs. Sweet states that the construction was not possible because of both these factors. Mr. Iafrate gives the opinion that the board has every right to grant a variance for the setback and hasn't been an issue. Mrs. Sweet informs the board that the setback is not the problem that would influence the bus shelter and notes that with the fire lane the builders would only have about thirteen feet in width to work with. Mr. Wrenn asks if the engineers could have the bus shelter next to the fire lane. Mr. Tenore states it would be ideal if the fire lane was being constricted by the bus. Mr. Noel noting the absence of Mr. Wasiak asks to hold off on voting on this application while the board works with the affected applications of Mr. Wasiak's absence.

Mr. Noel asks if the public has any opinion whether it is in favor or against the application. Peter Wiggins of 157 Mansfield Ave. spoke that he was in favor of the application.

Mr. Tenore motions to close the public hearing and Mr. Wrenn seconds the motion. Roll call Mr. Wrenn Yes, Mr. Tenore Yes, and Mr. Noel Yes.

Voted on June 16, 2021 the board voted to find the applicant is a limited dividend organization under 760 Code of Massachusetts Regulations 5602 is motioned by Mr. Tenore and seconded by Mr. Wrenn. Roll Call Mr. Wrenn Yes, Mr. Tenore Yes, and Mr. Noel Yes.

The Board voted to find the project eligibility letter CAL satisfies a requirement under that statue that the project be fundable by a subsidizing agency is motioned by Mr. Tenore and seconded by Mr. Wrenn. Mr. Wrenn Yes, Mr. Tenore Yes, and Mr. Noel Yes.

The Decision will reflect that on this date the board voted to find the applicant controls the site as required under 760 CMR 5604-1C was motioned by Mr. Tenore and seconded by Mr. Wrenn. Mr. Wrenn Yes, Mr. Tenore Yes, and Mr. Noel Yes.

The Decision will reflect on this date the board voted to find that subject for the reservations and expressed conditions set forth in this document applicant satisfies the jurisdictional requirements under that section was motioned by Mr. Tenore and seconded by Mr. Wrenn. Roll call Mr. Tenore Yes, Mr. Wrenn Yes, and Mr. Noel Yes.

In consideration of the foregoing including the plans, documents and testimony given during a public hearing which ended on this date grants the use of a permit for the construction of 60 rental apartment units pursuant to chapter 40B sections 20 to 23 for the development described above and this decision in the forum which is dated May 12, 2021 that the board have been reviewing with the waivers that the board will take a vote on separately. The motion is given by Mr. Tenore with the conditions listed and seconded by Mr. Wrenn. Roll Call Mr. Tenore Yes, Mr. Wrenn Yes, and Mr. Noel Yes.

Motion to approve the waivers as it appears is set by Mr. Tenore and seconded by Mr. Wrenn. Mr. Wrenn Yes, Mr. Tenore Yes, and Mr. Noel Yes.

PUBLIC HEARING-Section 6 Finding

ZBA File No. 9613

Property Address: 0 Taunton Avenue/53 Clapp Street

Applicant/Owner: Scott Eisnor

Applicant is asking for a finding under 175-1.5e and Variance relief to build a house on an undersized lot. Mr. Noel recuses himself of the application as the property is nearby and to avoid personal conflict of interest as Mr. Noel knows the Eisnor family. With no Mr. Wasiak there no

not enough board members to vote on a decision.

Mr. Tenore makes the motion to continue this hearing to the July 21, 2021 meeting at 7:05pm and Mr. Wrenn seconds the motion. Roll Call Mr. Wrenn Yes, Mr. Tenore Yes, and Mr. Noel Yes.

PUBLIC HEARING-Section 6 Finding/ Variance

ZBA File No. 9656

Property Address: 15 Boutas Drive

Applicant/Owner: Diane Goodwin

Applicant is asking for a finding under 175-1.5e and Variance relief to build a 24 ft x 36 ft barn

Mrs. Diane Goodwin is present to talk about the application with the engineer Mr. Craig Cygawnoski. Mr. Cygawnoski is representing Mrs. Goodwin. Mr. Noel states that the property is in a R80 zone and the applicant is looking to construct a barn and asks the representative if they do not plan on doing anything with the residence. Mr. Cygawnoski confirms they will not do anything else to the property and that the property is a lot is a pre-existing non-conforming lot and it was created in 1989 when R60 was required and now the property is in the R80 zone. The barn is the only thing being proposed and it is following the 10-foot minimum setback from the property line they are outside the hundred-foot bumper zones in the wetlands so what is being asked is approval of the lot being not pre-existing non-conforming. Mr. Noel states that this is under 1.5e a change or alteration or addition to a pre-existing non-conforming use. Mr. DiGiuseppe asks to confirm if it was during 1989 or if it was in 1999 when the zone was changed. Mr. Cygawnoski states the sub division plan was approved in 1989. Mr. Wrenn asks if all the properties in the subdivision are the same zone. Mr. Cygawnoski confirms that they all are R80. Mr. Noel asks what the function of the barn will be. Mrs. Goodwin states the barn will be used to store a horse.

Mr. Noel asks if anyone in attendance is here to speak for or against the application. Mr. Kevin O'Neil of 17 Boutas Drive is supportive of this proposal as Mrs. Goodwin showed Mr. O'Neil of the plans and to him it seemed reasonable and a good use space. Mr. Peter Wiggins states he is in favor of the applicant.

Mr. Tenore makes a motion to close the public hearing and is seconded by Mr. Wrenn. Mr. Wrenn Yes, Mr. Tenore Yes, and Mr. Noel Yes.

Motion to find this proposed condition is shown on the plan of record that the board will not render this parcel substantially more detrimental to the area is made by Mr. Tenore and seconded by Mr. Wrenn. Mr. Wrenn Yes, Mr. Tenore Yes, and Mr. Noel Yes.

GENERAL BUSINESS

Future meeting Dates


August 18th was set as the next meeting and September 15th the meeting afterwards. Mr. Tenore informs the Board he will not be present at the July 15, 2021 meeting which the board decide to change the date of the July meeting to the 21st of July.

Adjournment

Motion to adjourn at 8:11 pm was made by Mr. Tenore and seconded by Mr. Wrenn. Roll Call; Mr. Wrenn Yes, Mr. Tenore Yes, and Mr. Noel Yes.

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

Edited and Respectfully Submitted,



Bryan Carmichael

Administrative Secretary, Norton Zoning Board of Appeals

Approved by Committee on: September 14, 2022

