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**Town of Norton
Zoning Board of Appeals
Minutes of Meeting Held on July 21, 2021**

The July 21, 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.

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

Extension requested for variance granted at 60 W. Main Street/Cumberland Farms
ZBA File No. 19-12

There was no representative present for the extension. The letter sent in to the ZBA is asking for a six-month extension on a variance the ZBA had passed in June of 2019. The passing of a variance usually is made within a year of approval. The Letter from attorney Thomas Reedy was read aloud by Mr. Noel stating they wished to have an extension under 40a of section 10 of the Zoning bylaws for a six-month extension. Mr. Noel asks the board if they have any opinion for or against the extension. Mr. Tenore states that he believes Cumberland Farms is still going for their license. Mr. Noel states that Mr. Tenore and Mr. Wasiak will be voting on the matter as Mr. Tenore was the only other member of the board who was active at the time of the application.

Mr. Tenore motions to approve the six-month extension as requested in the letter and Mr. Wasiak seconds it. Roll Call; Mr. Tenore Yes. Mr. Wasiak Yes, and Mr. Noel Yes. The motion for a six-month extension passes.

CONTINUED-PUBLIC HEARING-Variance
ZBA File No. 8009

Property Address: 0 Tipping Place

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

The attorney Mr. Peter Clark is present to represent the applicant. Mr. Wrenn is recused and will be replaced by Mr. Wasiak for voting. Mr. Clark states that he has look over and implemented the concerns placed by the board and states that one of the comments was this type of variance is

completed themselves. Mr. Clark states that this is a four-acre lot that was created with a curb cut back when Tipping Place was laid out would be extended. The unusual shaped lot which is criteria for the variance under 40b. Mr. Clark states by having to do this again would cause a financial hardship onto the applicant. Mr. Tenore asks if the applicant were to go to the Planning Board would they be able to alter the hammerhead to fit the plan. Mr. Clark states that subdivision plans would require the paving of the entire cul-de-sac. The Planning Board approved at the time in 2015 when they first went to them was a waiver of the subdivision regulations down to the hammerhead because that is the smallest they can do under their subdivision. Mr. Noel asks Mr. Iafrate if a driveway has to be asphalt. Mr. Iafrate states he doesn't know a regulation that specifically says the road has to be asphalt. Mr. Noel asks if the applicant were held to do the hammerhead which is the square cut drive that could be done in a cheaper material. Mr. Iafrate states that the subdivision regulations require the driveway to be asphalt. Mr. Clark states that is correct and that the Planning Board would also add other requirements in order for the driveway to be put in place. Mr. Clark had suggested to the applicant to come forward to the ZBA to find a middle ground with wanting to get the driveway done and being able to add the buffer or any other changes the ZBA think are needed. Mr. Clark suggests a condition to have a no clearing barrier within 30 feet of the lot line. Mr. Noel states that would give enough room for construction. Mr. Tenore is still unsure about the driveway. Mr. Wasiak suggests having the plan be approved based on the hammerhead plan that was given. Mr. Tenore suggests sticking with the hammerhead as that is what was what would've been approved by the Planning Board as a condition of approval. Mr. Wasiak states that if ZBA approves they do not have to enforce the type of material the hammerhead is made out of unlike if they went to the Planning Board. Mr. Noel asks Mr. Iafrate if there is a permitted length for a driveway. Mr. Iafrate states he does not know of one. Mr. Clark states the driveway will be 75 to 80 feet from the hammerhead. Mr. Iafrate states that if this were to go to Planning Board that this would be seen as an extension of the roadway and a 24-foot-wide driveway extension and suggests to Mr. Noel that the board could give relief for the driveway and could add a condition to make the driveway smaller. Mr. Clark suggests if the ZBA approve the 40 feet of frontage they could make the driveway 18 feet wide and the hammerhead would be crushed stone or another material that doesn't require paving and also suggests the approval of the variance with the condition of seeing the plans. Mr. Noel suggests extending the application to a later date to get a plan with the current plans on it approved by another engineer. Mr. Clark states that he would like to have a continuance set for the August 18th meeting. Mr. Noel notes that Mr. Clark still would need a letter of continuance. Mr. Tenore states that he would like to have the hammerhead still on the plan. Mr. Wasiak states he only wants to have the plan in front of him approved and his only concern about the hammerhead was the fire department needing the emergency exit. Mr. Noel suggests having the motion to continue with the assurance the board voting members want to see a plan consistent with the plan of March 17, 2015 except that the driveway to be installed to set out needs and bounds on the plan and no narrower at any point than 18 feet. Mr. Wasiak states to Mr. Tenore that the ZBA are approving the frontage and the existence of the driveway and that they don't have to enforce having the hammerhead which would be a street extension. Mr. Noel states that it would also help with the buffer.

PUBLIC HEARING-Section 6 Finding/ Variance

ZBA File No. 9965

Property Address: 15 Peters Street

Applicant/Owner: Daniel Grady

Applicant is asking for a finding under 175-1.5e and Variance relief to allow for an addition to an existing non-conforming single-family house on an undersized lot.

Mr. Noel states that this an application under 175-1.5e and Variance relief for a lot in an R40 zone and is an undersized with a total area of 11,250 feet, frontage at 12.5 feet, and will be an addition to an existing non-conforming single-family house. The house remains within all zoning bylaws except the house which was built in 1950.

Mr. Daniel Grady is present. Mr. Noel states the plan is dated June 4, 2021. Mr. Grady states the building was pre-existing and nonconforming and would like to place an addition to the house. The addition would take off a 10 by 10-foot enclosed porch and would build a 16 by 24-foot structure in place of it. Mr. Grady states that the natural barrier gives enough coverage for abutters. Mr. Noel asks what is the line across the top of present structure. Mr. Iafrate states on the map that it is 19 feet 8 inches off the back property line to the corner of the line. Mr. Grady states the line sticks out two feet so the 21 or 22 feet is the foundation to the property line and the 19 feet is the top story that sticks out and the property is pre-existing. The proposed structure matches the current structure front and back once the enclosed porch is removed and the only change will be six feet further into the yard of the property. Mr. Noel states the current plans show the closest structure is a bulkhead which is 15.7 feet but the house itself to the overhang extension is 19.8 feet to the southern property line and the proposed addition will be no closer than 21.8 feet. Mr. Noel asks if the six-foot porch is included in the plans. Mr. Grady states they are in the plans, that current foundation is 28 from the back and the new structure foundation will be 24 feet from the back and then there will be a six-foot porch which will have the foundation be 30 feet. Mr. Iafrate states the line that is drawn saying 47.7 feet is going to go to the porch or the corner of the house is hard to tell which point the line is going to. Mr. Noel states the frontage is within the bylaws regardless which one it is. Mr. Iafrate states that the variance is just for an increase in more than 25 percent of formidable space. Mr. Noel states that with the porch the addition would be 16 by 30 feet. Mr. Grady states the porch would be an open farmer's porch and the roof would extend over it. Mr. Iafrate states the addition would be 384 square feet of embeddable space and the porch wouldn't be considered as formidable space as the porch is open. Mr. Grady states that the addition will have a second floor. Mr. Iafrate states that the house will be 716 square feet. Mr. Tenore asks if the roof will match the preexisting roof. Mr. Grady states that the back should match the preexisting structure and in the front the roof line will be different and a couple of feet difference and will be an extension of the current foundation.

Mr. David Sharpe of 16 Peters Street and contractor states the addition will not impact the neighbors.

of record dated May 26, 2021 does not propose a more detrimental increase to the lot and construction as to what is there now in terms of white noise and effects of illuminating statutes was motioned by Mr. Tenore and seconded by Mr. Wrenn. Roll Call Mr. Tenore Yes, Mr. Wrenn Yes, and Mr. Noel Yes.

General Business

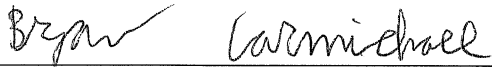
The board signed the comprehensive permit that was approved on 253 Mansfield Ave. after edits that had been done by Mr. Noel and Mr. DiGiuseppe.

Adjournment

Motion to adjourn at 8:37 pm was made by Mr. Tenore and seconded by Mr. Wrenn. The motion was voted unanimously by the Board.

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