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**Town of Norton
Zoning Board of Appeals
Minutes of Meeting Held on April 13, 2022**

The April 13, 2022 meeting of the Zoning Board of Appeals was held in person at the Norton Media Center and remotely via the ZOOM platform, 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 were Mr. David Wrenn and Mr. James Tenore. Mr. Lukas Wasiak the alternative member was also present. Also, in attendance is Building Commissioner Nicholas Iafrate and Administrative Assistant Bryan Carmichael.

The meeting was recorded and made available to the public on the Norton Media Center YouTube page.

PUBLIC HEARING – Variance

ZBA File No. 13433

Property Address: 20 Acre Road

Applicant: Jeremy Ballarino

Owner: Michelle and Brian Curtin

Mr. Jeremy Ballarino is present to talk on the application. Mr. Noel states that this is a single-family home with a deck that will be removed and a new one will replace it. The lot coverage is over 1% of the maximum lot size of 16% and the lot is in an R-60 zone. The lot is a pre-existing non-conforming use. Mr. Noel asks where the square footage of the construction is as the map doesn't have the existing house dimensions or the existing coverage. Mr. Noel asks the Zoning Board if it will be a variance to 17% maximum coverage. Mr. Noel asks if that can be done without knowing the square footage of the house as the Building Inspector would need to know that when the construction happens to ensure it is within 17%.

Mr. Noel asks Mr. Ballarino if they think they are confident that they will not go over the 17%. Mr. Ballarino states he sees it doesn't have the dimensions of the existing house and shows the proposed porch with deck. Mr. Noel asks if the proposed deck is going to be 20 + 15 feet long. Mr. Ballarino states it isn't, the proposed porch is going to be 16 by 15 feet long and the new deck is off of the porch is going to be 16 by 20 feet. The new porch will be replacing the already existing porch. Mr. Noel states that there is already existing construction there that is 15 by 16-foot bump. Mr. Ballarino states that the bump is 10 by 12 as there is a small square inside the X. The porch will be on footings with a slab underneath. Mr. Noel states that he believes the

whole building gets measured for square footage by the Building Inspector. Mr. Noel asks if the applicant and the Zoning Board is comfortable with going further with the application without the dimensions written out with the coverage to make sure it doesn't go over the asked for 17% on the plan.

Mr. Wrenn states the applicant would have to come back to the Zoning Board if it does go over. Mr. Wrenn writes out that 20 by 16 is about 3 to 20 square feet which is on a 19200 square foot lot which is an addition of 1.6% of the lot coverage going over. Mr. Wasiak states that there is the 20 by 16 then there is the added 15 which makes it 35. Mr. Wrenn states that it is already 17½ % and asks if the Board should vote for 18%. Mr. Noel reads from the application that the variance is for 1 – 2%. Mr. Noel asks if 2% is what the Zoning Board should determine.

Mr. Noel asks if anyone in attendance has any opinion on the application. Mr. Matthew Costa states it is hard to hear the Board on the Zoom call. The Zoning Board state they'll try and speak louder into the microphone.

Motion to increase the lot size coverage to no more than 18% as shown on the plan of record is made by Mr. Wrenn and seconded by Mr. Tenore. Roll Call; Mr. Tenore Yes, Mr. Wrenn Yes, and Mr. Noel Yes.

CONTINUED PUBLIC HEARING – Variance

ZBA File No. 12873

Property Address: 182 South Washington Street

Owner/Applicant: McDonough Family Limited Partnership

Mr. Noel starts by reading that this is a continued application from February which was continued to April for the construction of a 190-foot Lattice tower as the Town of Norton's by-law only allows for monopole towers up to 125 feet.

Mr. Henry Sousa is present to talk about the application. Mr. Noel states that since last meeting he has had Mr. Sousa following WCF rules, a wireless communications facility. When Mr. Noel look at the by-laws some questions came up such as the fall zone had to be shown on the plan. Mr. Noel had sent a letter to Mr. Sousa prior to the meeting to look at the zoning by-laws and determine if an updated plan set with the fall zone shown and anything else that the by-law calls for.

Mr. Sousa hands out an additional sheet from the engineer which shows the fall zone. Mr. Sousa states that on the sheet three different fall zones depending on three different heights. One at the current height of 190 feet, one at 150 feet, and one at 120 feet. When reviewing the fall zone plan, Mr. Sousa found a complication that the residential use properties are all within the fall zone. Mr. Sousa reads the zoning by-law as saying that there is a difference between residential zoned lots with a 300-foot setback and a residential use. The residential use is affected here as well and will need to ask for a third variance. Mr. Sousa asks if the application should be

withdrawn and refiled with the third variance or is an oral request to add the variance valid. Mr. Noel states that the plan sheet that is being looked at is CO1 and the date on the page is labeled March 25, 2022. Mr. Noel states that reading the by-law he came to the same problem in identifying what is what counts as residential uses and residential structures. Mr. Sousa states that the property is zoned Industrial and the residences that are currently there are pre-existing, non-conforming uses and still are a residential use but are no longer residential lots. Mr. Noel reads 175-17.4 dimensional requirements within the subsection B height requirement and C setback requirements number two. The setback of a freestanding WCF from a residential structure or property line of the lot on which it is located shall be equal to the height of the structure plus twenty feet, the setback of any such facility shall be 300 feet from a residential lot line. The question is whether it is a residential zone however in Mr. Noel's opinion the first sentence is clear that it states residential structure plus twenty feet. Mr. Sousa states there is no disagreement there. Mr. Noel states that the fall lines make it impossible unless the tower is something less than 120 feet as it falls off of the parcel and the two outer fall lines involve several structures and the tax rolls show that the abutting properties are residential uses that are pre-existing. Mr. Noel asks if the structure on the parcel is used for residential. Mr. Sousa states that the residential use will be terminated. Mr. Noel states that there are residential structures within the fall zone despite the termination of the use of 182 South Washington. Mr. Noel states that he doesn't approve of the tower having the residential structures in the fall zone and that the by-law points out safety issues and could land on the abutters' property lines that is used for residential purposes.

Mr. Sousa states the fall zones that are outlined are predicated or outlined in the zoning by-law which is predicated on a monopole tower. The decision was made during the adoption of the wireless communication facility portion of the zoning by-law. The decision was based on aesthetics and safety, the presumption is made that a monopole tower will collapse at the base and fall with the full length of it. There are no instances where it has fallen from the base. Recently there has been a tower falling that self-destructed of a monopole tower that was struck by lightning which caused an internal fire and the monopole acted as a chimney and had a meltdown. When proposing a lattice tower, it isn't strictly a cellular telephone tower it is for microwave communications as well. The microwave communications require the stability of a lattice tower which are safer than monopoles and there is no record of a lattice tower collapsing in the United States with the exception of tall towers for radio and television transmission. Mr. Sousa explains that the tower fails if there are no guidewires involved, this application is not as tall. Lattice towers are built different than monopoles that is designed if there is a failure it goes up in sections and is designed that it would fall in sections. While the zoning requirement of the bylaw is there for safety Mr. Sousa submits to the Zoning board that it is an overabundance of caution and the reason for the extra height in the tower is for the microwave communications. Mr. Sousa states that as discussed, the microwave communications are to improve the communications of the police and fire departments in that area of Norton. The extra height is there to benefit them but to also partially comply with another by-law which states that when built it should be tall enough to accommodate as many users as possible so there is not a proliferation of towers and this height requirement, we're looking at is also speaking to that as

well. The type of tower and having microwave communications with the height to service as many users as possible and also to provide much better and improved communications in that part of town for the police and fire departments. The applicant has stated they will donate money for the communications equipment for the town of Norton if the building gets made. Mr. Sousa asks the Zoning Board to consider all the issues that are at play and to not take the height requirement at face value as to the type of power that the tower will apply.

Mr. Tenore asks what are the plans for the residential structure currently on the property. Mr. Sousa states that the residential use will be terminated. Mr. Tenore ask if there are three within the fall zone. Mr. Iafrate states that the residential structure at 184 is in the process of being converted into a commercial structure. Mr. Noel asks about the structure in the back of the 184 South Washington Street property. Mr. Sousa states from his understanding that the building is a garage or storage building and that the building towards the front was residential. Mr. Noel notes that the property to the left and the property next to it which are residential use structures. Mr. Noel states that that residential lot lines even in an industrial zoned area because the purpose is to protect residential use. Mr. Noel states he isn't comfortable approving the tower without the possibility of papers showing the structural integrity of the design if the Lattice Tower as there is no basis to pass judgement on. Mr. Noel continues stating that the bylaw fall lines on the plan and the purpose is to protect residential use and ask for Town Counsel's opinion and ask the applicant to present some evidence on the structural integrity or something else.

Mr. Tenore states that the information from the Police and Fire chiefs are compelling and would like to get to a resolution where it can be supported. Mr. Tenore continues stating that with the bylaw as it is and with the residential structure to the left, he is also uncertain about approving the project as it is. Mr. Wasiak states that this is not a good place to put the tower and there are other places that it could be built and states that the last antenna that was put up had gotten scrutinized with the studies which was located in the middle of the woods. Mr. Noel asks how the Zoning Board would allow encroachment on the abutting residential owner. Mr. Noel states that he would not vote for this on the current record and ask if the applicant wishes to get a vote or if they would like to continue and get Town Counsel's opinion and bring in any new materials. Mr. Wrenn states he wouldn't mind going in this direction.

Mr. Sousa asks if the Zoning Board has gotten an opinion from Town Counsel. Mr. Noel states that the Zoning Board can do that. Mr. Sousa states that he will try and produce information to show that the Lattice Tower will not hold a safety issue. Mr. Sousa asks if the Zoning Board is comfortable with granting three variances based on the submitted application. Mr. Noel states that he is fine with that and would adjust the application if needed. Mr. Sousa states that his applicant has no problem continuing this matter to another meeting to let the Zoning Board receive the opinion of Town Counsel. Mr. Sousa states that he will have the client's engineer to look at the base of the tower on the property knowing that there will be a residential property that will be converted to commercial use. Some adjustment may occur as to the location of the base perhaps also adjustments to the height of the tower. Mr. Noel states that the engineering is intricate as the previous tower height adjustment required a different engineering study and that

the tower is not as close to the rear or sideline as it could be with the side and rear setbacks. Mr. Noel states he is comfortable in getting Town Counsel involved to get their opinion or attend and also see if Mr. Sousa could add anymore information. The Zoning Board set up potential continuance dates on the 11th of May and the 8th of June. Mr. Sousa states he is able to continue the hearing to the May 11th meeting.

Mr. Greg Vincent of 23 Reservoir Street the retired owner of a consulting firm, Communication Design Associates. R. Vincent states he has put up 445 communication towers. Mr. Vincent asks about the problems that could arise from a light beacon being on all night and if there will be a problem with the Mansfield Airport. Mr. Sousa states that the Mansfield Airport had been discussed last meeting as it was short enough to be missed and out of the flight path of aircraft coming to and from Mansfield Airport. Mr. Sousa states that there will be no beacon.

Mr. Tenore states that if Mr. Sousa moves the base to make sure it isn't moving out of the range of the setback lines. Mr. Sousa states that the tower won't be able to move far if it does get moved. Mr. Sousa asks Mr. Vincent how many of the towers he built fell. Mr. Vincent states yes some have fallen and they were also bigger than the one being proposed. Mr. Sousa asks if they had guide wires. Mr. Vincent states yes about 1500 to 1800.

Mr. Wrenn asks to confirm that the three variances are the height and the type of tower. Mr. Sousa states those are two variance and that it is a Lattice Tower because of the microwave communications and the height is for line of sight with the other communication towers in Norton.

Mr. Wrenn motions to continue this application at 7:05 on the May 11, 2022 meeting and is seconded by Mr. Tenore. Roll Call; Mr. Tenore Yes, Mr. Wrenn Yes, and Mr. Noel Yes.

PUBLIC HEARING – Section 6

ZBA File No. 12025

Property Address: 9 Newbury Street

Applicant: Matthew J Costa, Gay & Gay, P.C.

Owner: Messias C. Vasconcelos

Mr. Costa is present to speak on the application. Mr. Costa states he that he represents Messias Vasconcelos. The application is for a pre-existing non-conforming use at 9 Newbury Street which is in a R-40 district. The pre-existing non-conforming use of the property is as manufacturing used by Finance Tool who uses the property as a manufacturing small factory building. The present proposal is to modify the manufacturing use to a HVAC plumbing business to take over the use of the site. They will still use manufacturing; the building is a small family-owned business. James Burke is the owner of the HVAC plumbing whose services go into surrounding towns. There are six employees in the business, two who work in the office and four who work as technicians. The business has been in existence for twenty-two years. Employees take the vehicles home. The equipment will be in the building and there will be manufacturing

done there as well. Finance Tool does work with presses. They do some processing for hangers, some welding, and they do fabrication of the ventilation systems they install. There will be no additions to the property it will remain as the existing building. The building is around 6,000 square feet while the lot is about 13,100 square feet. The building is already commercially used among a residential area. Mr. Costa states that in the bylaw it states that it can remain as such if it is not more detrimental than what is already existing.

Due to technical difficulties involving the zoom call the Zoning Board decided to continue the application.

Mr. Wrenn makes the motion to continue the application to May 11, 2022 at 7:00 and is seconded by Mr. Tenore. Roll Call; Mr. Wren Yes, Mr. Tenore Yes, and Mr. Noel Yes.

PUBLIC HEARING – Variance

ZBA File No. 13763

Property Address: 36 Newland Street

Applicant/Owner: Luis and Beverley Rivera

Mr. Noel states that this is a R-80 zone. Mr. Luis Rivera and Mrs. Beverly Rivera are present. Mr. Noel reads that the application is for an accessory apartment over 750 square feet of living area. The in-law apartment is planned and the applicant is limited by the 700 square foot limit in 175-2.2 the accessory unit shall not exceed 750 square feet of living area. The applicant is asking to go to 980 square feet of living space. The plan shows a single-family home with an in-law above the garage.

Mr. Iafrate states the Zoning Board has the ability to grant relief on a larger in-law. Mr. Noel asks if the in-law apartment will remain inside the footprint of the main house. Mr. Rivera states that it is within the footprint and that it is a little smaller than the garage itself. Mr. Noel asks if the accessory apartment has a separate entry for it. Mr. Rivera states that it does have a separate point of entry. Mr. Noel asks what is the purpose of the in-law apartment. Mr. Rivera states it is for their daughter and husband and it will be their retirement home. Mr. Noel asks if the accessory would look right on the house as the by-law states it has to be in character with the main unit. Mr. Wasiak comments that based on the plan when you walk into the common area at the staircase before you walk into the unit with a washer and dryer which is about 720 square feet if all the common area is counted. Mr. Iafrate states it would be part of the apartment as the only way for it not to count would be if it had another egress out. Mr. Noel states that the plans satisfy him as long as the site doesn't stick out from the main building. It will be keeping with the surrounding area, that there is a hardship having housing for the daughter, and the bylaw states that the owner has to certify to the town from time to time to confirm the conditions are being met. Mr. Iafrate states that the owner of the property prior to construction has to give a statement on the property that they will occupy one of the two dwelling units on the property.

There are no members of the public to speak on behalf or against the application.

Mr. Wrenn motions to approve the application up to 980 square feet as shown on the plan of record and seconded by Mr. Tenore. Roll Call; Mr. Wrenn Yes, Mr. Tenore Yes, and Mr. Noel Yes.

PUBLIC HEARING – Variance

ZBA File No. 13710

Property Address: 22 Reservoir Street & 79 Mansfield Avenue

Applicant: Dylan Ribeiro

Owner: D and S Realty Trust

Mr. Noel recluses himself from the proceedings as he is neighbors with the applicant. Mr. Wasiak will be stepping in the place of Mr. Noel when voting. Mr. Wrenn is voted on to be the acting chair for this application.

Mr. Vincent states he doesn't know where to find the materials for the applications. Mr. Noel asks if Mr. Vincent has able to find the Dropbox where the public can access the application materials. Mr. Vincent states he can't find it on the website. Mr. Noel offers a paper copy of the plan. Mr. Vincent declines the offer. Mr. Noel asks why Mr. Vincent didn't go to the Town Hall to get a physical copy if he couldn't find it online. Mr. Iafrate states that the Town Hall is open until 7:30 at night. Mr. Vincent asks why documentation is not provided in the mail-out. Mr. Wasiak states that if an abutter wants the information, they would ask the Town Hall either physically, over the phone, or over email. Mr. Noel adds that the Town doesn't mail out the information.

Mr. Wrenn states that the application is for 22 Reservoir Street and 79 Mansfield Avenue while the variance is just for 22 Reservoir Street. Mr. Dylan Ribeiro, the applicant states that the two parcels are combined into one to get the variance for frontage. Mr. Wrenn states that the applicant is requesting a variance from 150 feet to 64.96 feet. Mr. Ribeiro states he is the owner of the property which was purchased in November of 2021. Mr. Ribeiro had gone down to the Town Hall to the Building Department for a zoning determination by the Building Inspector and Zoning Enforcement Officer, Mr. Iafrate. They had looked at the map hanging up on the wall at the Assessor's office and the parcels were labeled as Village Commercial. Mr. Ribeiro had requested a letter of zoning determination and paid the fee to have that determination. The determination will legally allow for four lots with 5.5 acres of dry land with a vision to do a condo or apartment complex. The value of the property at a certain price there was an offer to purchase the property. In March 2022 when Mr. Ribeiro had gone back to the Building Department and spoke with Mr. Paul DiGiuseppe the Town Planner on a separate project on the abutting property and then was informed that the property that was purchased was Residential-60 and not Village Commercial. As a value on the property was already made with the Village Commercial zoning in mind. Now that it is confirmed to be Residential-60, legally four lots were already planned and had to get knocked down to three lots. This financial hardship was not created by the applicant and was the responsibility of the town for not providing the correct map

for the public, department heads to use, and the lack of communication between the departments which put the applicant in the situation. Mr. Ribeiro states he has no intentions of trying to get the property to the Village Commercial he was under the impression it was and only wants the frontage requirement for the fourth lot.

Mr. Wasiak asks where the entrance will be for the four lots. Mr. Ribeiro states there is already a lot on Mansfield Avenue and that lot already has an entrance. There are also two lots on Reservoir Street already along with the proposed lot. Mr. Ribeiro had met with Mr. And Mrs. Daryl Simpson of 32 Reservoir Street and told them the situation and received a letter from them that is already among the attachments in the application. The letter from the Simpsons states they understand the situation Mr. Ribeiro is in and are in favor of making it right. Mr. Ribeiro states that they felt the Simpson family was the most impacted besides themselves as they are surrounded by lot three.

Mr. Wrenn asks if there are two lots there currently. Mr. Ribeiro states that there are two lots combined. Mr. Tenore states that R-60 zoning is only in the third lot and it is only half of it. Mr. Vincent states he had a similar experience with the property across the street from him. Mr. Wrenn states that they can't subdivide the property without the variance. Mr. Tenore states it is a self-created hardship which Mr. Wrenn agrees with. Mr. Wrenn states that it is a self-created hardship but was subdivided. Mr. Iafrate states he wrote the zoning determination based off the zoning map in the Assessor's office and the one in the Building Department was updated but the current map was not provided in either of those locations. Mr. Iafrate continues that the property was bought based off of the determination that was written by Mr. Iafrate and states that he has caused a hardship on the applicant as well. Mr. Ribeiro states that the miscommunication isn't on Mr. Iafrate as the map being out of date had been known about for over a year without informing other departments of the change. Mr. Ribeiro states that this could become a financial snowball. Mr. Wasiak states he sees the hardship of 79 Mansfield Avenue as that is split zoned while the abutting properties are all Village Commercial and that property is on the Town and asks if 22 Reservoir Street was a part of the purchase. Mr. Ribeiro states that both had to be purchased together. Mr. Wasiak asks if there is any consideration to have development on the Mansfield Avenue property. Mr. Ribeiro states there are no plans for development on 79 Mansfield Avenue as there is no sewer there.

Mr. Tenore asks which property had a perk test performed. Mr. Vincent states that he saw people on the Wheaton property and the property didn't perk. Mr. Wasiak asks what the original intentions of the property were. Mr. Ribeiro states that they were going to hold onto lot 4 and then sell lots 1 & 2 and put up two duplex lots under the assumption that it was commercial and then lot 3 would hold onto and it was going to be five and a half acres and would try to propose a small housing apartment or condo complex. Mr. Ribeiro states that he would not have bought the property had he'd known the Reservoir Street property was residential.

Mrs. Cheryl Senior of 169 Reservoir Street asks when residents can make comments. Mr. Wrenn states that when the Zoning Board is satisfied with any questions they may have before opening

the application to abutters. Mr. Vincent states the information being talked about is wrong anyway.

Mr. Sousa states that on occasion the online zoning map of Norton has shown inconsistencies. Mr. Sousa states that he had looked at this application's zoning on the map and it was still the zoning that was described by Mr. Iafrate and the one that Mr. Ribeiro saw hanging up in the Town Hall. Mr. Sousa continues that the maps provided are what people would use to determine the zoning of properties in Town and that Mr. Ribeiro is entitled to a deal of consideration from the Town because Mr. Ribeiro had done his due diligence before purchasing the property and it is the record keeping of the Town that has led to Mr. Ribeiro's financial situation with the property. The proposed lot will most likely be a single estate lot which would be the least invasive thing that could go on that property.

Mr. Wasiak asks when the property was purchased. Mr. Ribeiro states it was November 21 or 23, 2021. Mr. Wasiak asks if only the map hanging up in the Town Hall was used or if the online zoning map was used as well. Mr. Ribeiro states the engineer had used the online map. Mr. Wasiak asks to see the map that is incorrect. Mr. Ribeiro shows the Zoning Board the map that he had followed.

Mr. Vincent states the Zoning Board is beating a dead horse. Mr. Wrenn states that the Zoning Board has the right to take action on a particular topic if needed to come to the right conclusion. Mr. Wasiak asks Mr. Ribeiro to add the map to the application attachments. Mr. Wrenn opens the meeting to the public.

Mrs. Senior a former member of the Planning Board and the Board of Assessors. Mrs. Senior asks if the Planning Board had attended the Planning Board Meeting on April 5, 2021. The Zoning Board state they did not attend. Mrs. Senior states that there is a 0 Reservoir Street that is being rezoned from R-60 to Village Commercial. Mr. Wrenn asks what that has to do with the current application. Mrs. Senior states she heard one of the Board members stated that 22 Reservoir Street was part Village Commercial. Mr. Wasiak explains that he was stating that further down 0 Mansfield Avenue was also highlighted as Village Commercial. Mrs. Senior states that online there is a zoning map from 2019 that shows 22 Reservoir Street as Village Commercial and then the 2020 map shows it as zoned Residential 60. Mrs. Senior then states that the abutting properties being R-60 convinced the Planning Board not to change the zoning. Mr. Wasiak states that 0 Reservoir Street is not the property being talked about. Mrs. Senior asks why a variance is needed and what the amount of frontage on Reservoir Street they have. Mr. Wrenn states that the lot for the variance has less than 150 feet and the variance request is for 64.96 feet. Mr. Iafrate clarifies that the whole property has 364 feet of frontage which based off of the current zoning which is R-60 means they can make two conforming lots with the 150 feet of frontage they have with a leftover of 64 feet of frontage which Mr. Ribeiro is looking to make that into a third lot. Mrs. Senior asks if the applicant plans on building on the lot. Mr. Ribeiro states that it will be a buildable house lot. Mrs. Senior asks if each house will have a driveway. Mr. Ribeiro confirms this. Mrs. Senior asks if the plan is to still put a condo up. Mr. Ribeiro

states that it will just be a residential house and stated that was an idea when he first got the property thinking it was Village Commercial. Mr. Ribeiro continues stating that they had already planned the three lots when it was thought to have been Village Commercial and wants to regain the third lot that would be non-conforming with the zone it is actually in. Mrs. Senior asks if Mr. Ribeiro is going to work within the residential zoning it is currently in. Mr. Ribeiro states that yes, he is planning on doing work that fits the R-60 zone. Mr. Vincent asks if it is going to be just three houses, with one having a narrow frontage. Mr. Ribeiro states that is correct and has spoken with the neighbor Mrs. Simpson and gotten a letter of support from her.

Mr. Paul Crogan of 27 Reservoir Street asks if Mr. Ribeiro is going to put three houses on three lots. Which Mr. Ribeiro confirms is the case. Mr. Crogan states that he has concerns that if the frontage is approved that they will rezone the property to Village Commercial. Mr. Wrenn states that the ZBA cannot speak for the Planning Board or the applicant if the applicant decides to rezone the property. Mr. Sousa states that a property would have to be in compliance of a rezoning in the area of the community and zoning a particular lot would be spot zoning which is illegal. Mr. Crogan states that if this lot were made Village Commercial then the whole street would be Village Commercial. Mr. Sousa states that it would still need to go to Town Meeting. Mr. Crogan and Mr. Vincent state they'll fight the rezoning. Mr. Sousa explains again that if it were a rezoning it would have to go to Town Meeting.

Mr. Noel states that he is still recusing himself on the matter and states that it is not up to the Zoning Board to re-zone and that there is a process to it. Mr. Crogan asks if it is still a possibility to which the Zoning Board are unable to answer. Mr. Crogan states he'll ask the applicant himself. Mr. Tenore states that Mr. Crogan still will have to answer the question through the board. Mr. Crogan states that the Board isn't answering his question. Mr. Tenore states that the Board has no intention of answering the question themselves and will not force the applicant to answer the question. Mr. Ribeiro states he has no intentions of rezoning to Village Commercial. Mr. Crogan states that is all he needed to know and states that he needed need the Zoning Board to answer. Mr. Tenore asks Mr. Crogan to leave as he is acting unprofessional. Mrs. Joanne Crogan of 27 Reservoir Street states that she is trying to protect her property as the Zoning Board does not live on Reservoir Street. Mr. Wrenn states that everyone has to direct their questions to the Zoning Board. Mr. Crogan states that he wanted to ask a question and the ZBA would not allow him to, then leaves the meeting.

Mr. Vincent states that the maps have been wrong for many years. Mr. Vincent then goes on to explain how he found out it was inaccurate and that the lots are split zoned even on the most recent overlay edit. Mr. Wasiak states that the applicant is asking for a relief on the hardship that the miscommunication made which as stated was under the belief it was completely Village Commercial. Mr. Vincent asks if the residents of Reservoir Street could file for a hardship. Mr. Wasiak states that they could file for one if they so desire. Mr. Vincent states that the residents of Reservoir Street might file for hardship for mislabeling the property across from his many years ago.

Mrs. Senior asks for Daryl Simpson's letter be read into the record and states that 22 Reservoir Street has always been R-60. Mr. Wasiak states that on the map seen in the Town Hall that was used highlighted 22 Reservoir Street as Village Commercial which is a hardship for them. Mr. Wrenn states that the Board should close the public hearing. Mrs. Senior states that if the Zoning Board isn't going to read the letter to state that are not reading it. Mr. Wrenn reads the letter aloud.

Mr. Wrenn states he is sympathetic to the applicant but is unsure if the Zoning Board has the authority to grant the variance. Mr. Wasiak states that if they were going by MapGeo and going back to the applicant and asking for a hardship regarding 79 Mansfield Avenue only because that was a mistake and 22 Reservoir Street should have remained R-60 as evidenced by what is shown online. However, based on the posted document in Town Hall and the Building Commissioner also verifying that was the map posted in Town Hall and believe that the applicant does have claim for a hardship that 22 Reservoir Street was highlighted as Village Commercial and bought the property thinking it was that zone. Mr. Wasiak states he believes the hardship as evidenced by the zoning map and Mr. Iafrate's statements confirming that the map was the one hanging up in the office. Mr. Wasiak also states that based on the plans shown to the Zoning Board that the house lots are not going to be more detrimental to the neighborhood. Mr. Tenore agrees with that as well. Mr. Wasiak states that Mr. Ribeiro had done the research and based on the map in the Town Hall which was inaccurate bought the property and thinks that is unfair and the hardship claim is valid. Mr. Wrenn asks if the Zoning Board can make a variance based on this hardship. Mr. Tenore states that they have to determine the hardship. Mr. Iafrate states that the variance is only for the frontage.

Motion to approve the hardship variance for 64.96 feet reduction in frontage from 150 feet is made by Mr. Tenore and seconded by Mr. Wasiak. Roll Call; Mr. Wasiak Yes, Mr. Tenore Yes, and Mr. Wrenn Yes.

General Business

Mr. Sousa asks if PermitEyes is having a problem showing up on the Town Site. Mr. Carmichael explains that it isn't the same program that shows up on the Town Site for people it is still Dropbox and that it may just be hard to find on the website.

Mr. Noel states he doesn't like the idea of maps in the Town Hall and the Accessor's Digital map being inconsistent as it put Mr. Iafrate and Mr. Ribeiro in an uncomfortable position. Mr. Wasiak states that when they were looking on the map that two entirely different properties were highlighted on that map are not on MapGeo. Mr. Noel states he will talk with the Town Manager about having accurate maps in Town Hall. Mr. Wasiak states that Mr. Ribeiro could've claimed that 79 Mansfield was completely Village Commercial as well. Mr. Noel states that he is unsure if by lawsuit could change the zoning of the property. Mr. Noel and Mr. Wasiak agree Mr. Ribeiro was in a bad position. Mr. Sousa observes that the zoning bylaw has always said the Town Clerk is the keeper of the official map and has the responsibility of always keeping it up to

date. When work was done, Mr. Sousa would go to the clerk and get the most up to date revision of the zoning map and would ask to have the map certified with the Town Clerk's seal. Recently with the electronic maps that hasn't been the case and it is a double-edged sword making it more accessible without having to go to Town Hall while the technology lags. Mr. Noel adds that there should be some accountability.

Mr. Noel states he didn't want to get involved in the discussion as Mr. Ribeiro was his neighbor and didn't know the abutters were going to come out. Mr. Noel states that there must be an official map that was adopted. Mr. Wrenn states that when he was looking the maps up there are two different maps the 2019 and 2020 maps which lack labels to state they are older maps. Mr. Iafrate states that the zoning Mr. Ribeiro shown was the zoning map that was on all the walls in the Town Hall. Mr. Noel states that the online bylaws had not matched the paper ones two years ago and Mr. DiGiuseppe stated it had hanged six months prior.

Mr. Noel states that there was a discussion to transition to have Mr. Carmichael sign the minutes and just present them to the Zoning Board. The Zoning Board decide to continue to vote on the minutes.

Mr. Wrenn motions to approve the January 2022 minutes and is seconded by Mr. Tenore. Roll Call; Mr. Wrenn Yes, Mr. Tenore Yes, Mr. Wasiak Yes, and Mr. Noel Yes.

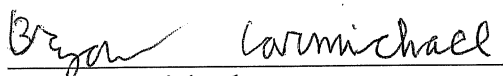
Mr. Noel states he would like to go to in-person meetings only for next meeting. Mr. Wrenn states that the hybrids aren't working. Mr. Noel states that it was working previously.

Adjournment

Motion to adjourn at 9:10 by Mr. Wrenn and seconded by Mr. Tenore. Roll Call; Mr. Tenore Yes, Mr. Wrenn Yes, Mr. Wasiak 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: July 13, 2022