

**Zoning Board of Appeals**

Michael Sheehan, Chair  
Benjamin Beutel  
Mary Kate Daly  
Shannon Greenwell  
Al Porro



**Director of Community  
Planning and Economic  
Development**

Paul Halkiotis, AICP

**Assistant Town Planner**

Sarah Dixon Bouchard

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**May 3, 2022  
Norwood Senior Center  
275 Prospect Street  
Remote participation available at GoToMeeting**

**Minutes**

**Present:** Michael Sheehan, Chair  
Benjamin Beutel  
Shannon Greenwell  
Mary Kate Daly  
Al Porro  
Sarah Dixon Bouchard, Assistant Town Planner

**Call to Order:** The meeting was called to order at 7:00 p.m. by the Chair, Mr. Michael Sheehan. All members of the Board were present at the Senior Center. Members of the public attended on GoToMeeting and in person. Mr. Sheehan welcomed Mr. Benjamin Beutel to the ZBA who was recently appointed by the Board of Selectmen. Mr. Sheehan informed the public of the process of ZBA meetings.

**Public Hearings:**

**Case #22-08 1223 Washington Street, continued from 4/5/2022**

Mr. Sheehan reopened the hearing. A short recess was held for Mr. David Hern to discuss with the applicant if they would like the case to be continued until the newest member, Mr. Beutel is able to watch the full past hearing from 4/5/2022 or if the applicant prefers to have the other four members of the board present rule.

The applicant requested to continue the hearing until June 7<sup>th</sup>, 2022, so all members are able to vote.

**Motion:**

Ms. Greenwell moved to continue the hearing until June 7<sup>th</sup>, 2022. Ms. Daly seconded the motion. A vote was held, and the motion carried 5-0.

Ms. Bouchard informed the public of all the ways they can get information and send letters to the ZBA.

**Case #22-09 120 Walnut Avenue**

Mr. Sheehan read the legal notice into the record.

Mr. Kane, representative for the applicant, shared the plans proposed. Mr. Kane stated that the applicant and his wife are seeking the renovation to accommodate mobility needs.

Ms. Greenwell asked if in the side yard they would only be encroaching an additional four feet from the existing house; Mr. Kane replied yes. Ms. Greenwell stated that most of the houses surrounding the property seem to have a second story. Ms. Greenwell asked what the increase in habitable square footage with the addition on the second floor is. Mr. Kane did not have the exact number.

Mr. Porro asked if the expansion with the garage is going to be for an additional living space for someone else. Mr. Kane responded that the space above the garage will just function as an extra living space as it is currently a 2bed/2bath and the applicants would like to make it a 3bed/3bath. Mr. Porro stated the representative should have had the square footage when making the request.

Mr. Beutel had no questions for the applicant.

Mr. Sheehan stated they are asking for an increase in 25% habitable space and asked for an estimate of what they are adding. Mr. Kane replied he would have to figure it out.

Mr. Porro stated that the meeting should be continued to another date until they have their estimate.

Mr. Sheehan asked if the representatives have their plans and a slide ruler, Mr. Kane responded yes. Mr. Sheehan asked who has the benefit to the right of way on the right side of the property. Mr. Kane responded that there was no information on who benefits from the right of way, but they will not be encroaching on it.

Mr. Sheehan opened the hearing up to the public for comment.

Debbie Holmwood, 49 Beech Street, asked if the property was going to remain a single family.

Mr. Sheehan replied that it would.

**Motion:**

Ms. Daly moved to continue the hearing to the end of the evening's agenda so the representatives could put together the floor area calculation. Ms. Greenwell seconded the motion. A vote was held, and the motion carried 5-0.

The hearing was reconvened momentarily as Mr. Kane had completed the calculation.

Mr. Kane stated that currently the existing house has 1,560 square feet of space and 40 square feet will be deleted, with 146.9 square feet on the first floor and 424.12 square feet on the second floor will be added, making the total 2,093 square feet total a 36% increase.

**Motion:**

Ms. Greenwell moved to close the public hearing. Ms. Daly seconded the motion. Motion passed unanimously 5-0.

**Motion:**

Ms. Daly moved to approve the special permit as presented to the Board. Ms. Greenwell seconded the motion. Motion passed unanimously 5-0.

**Case #22-10 137-139 Edgehill Road**

Mr. Sheehan read the legal notice into the record.

Mr. David Hern is the representative for the applicant.

Mr. Sheehan stated he did speak to the Building Inspector Mr. Chubet prior to the meeting and no permits have been pulled for the project, which is seeking retroactive relief.

Mr. Hern stated that the owners are not proficient in English, but their son is present to be called on and translate back and forth.

Mr. Hern stated the clients had hired someone to build a deck off the back of #137 and the lot is 15,000 sq feet, but the permits had not been pulled. Mr. Hern also spoke with the Building Inspector. Mr. Hern stated that the Building Inspector would deny them a permit because the deck is over the line, roughly 18.2 square feet. Mr. Hern asked the ZBA to approve a variance so his clients can proceed to the Building department and make sure the deck is built to the building code. He stated that the lot is unusual as the lot lines are not parallel, and Mr. Hern stated that contributed to the situation of the lot line and the deck being too close. He stated that there would be a financial hardship on the applicant if they needed to take down the deck, but the applicant understands that the deck should not have been built the way it was.

Ms. Greenwell asked if they came tonight as their first step to get the structure permitted. She sought to confirm the permitting process. Mr. Hern confirmed and stated the next step would be to go to the Building Department to say they have been authorized to have the structure and pay

fees for permits with the Department and that would be when the Building Inspector would confirm that the structure is up to code.

Ms. Greenwell stated she would also want to put a contingency on it that any changes would not continue to encroach on the area. Mr. Hern confirmed that there would be no changes.

Ms. Daly stated her belief that the lot is a unique shape.

Mr. Porro and Mr. Sheehan asked the applicants about the contractor that completed the work. The applicants could not share names requested.

Mr. Porro suggested continuing the meeting to get all the facts.

Mr. Beutel stated that the lot is slightly unique but pointed out that the deck could have been built by right if they moved it to the left.

Mr. Hern stated that removal of the deck would be an expense that outweighs the benefit for an 18 square foot variance and his clients prefer not to have to redesign it.

Mr. Sheehan stated that when the homes were built, they all had small decks and there were no permits for the decks to be enclosed. Mr. Sheehan stated there is no hardship because the applicant created the hardship. He stated that the deck is unsafe and is being held up by 2x4s and wanted to know who the contractor is.

Mr. Sheehan stated he will not approve it because it is unsafe and not up to code.

Mr. Sheehan opened the hearing up to the public for comment.

Mr. Richard McCarthy and Kimberly McCarthy, 145 Edgehill, asked how ZBA could justify granting a variance for someone who created their own hardship.

Mr. Hern stated he understands Mr. McCarthy's concern but stated that his clients were taken advantage of by a contractor and did not know they were violating zoning laws. Mr. Hern stated that as far as the safety concerns those would be brought up by the building department to make it up to code. Mr. Hern stated this is a minor encroachment to neighbors and that a motion to continue to get that information would be a good idea.

**Motion:**

Mr. Porro moved to continue to the next meeting, June 7<sup>th</sup>, 2022. Ms. Daly seconded the motion. A vote was held, and the motion carried 4-1.

**Other Updates-**

Mr. Sheehan reviewed the schedule and alerted the Board to some scheduling conflicts for July. Ms. Bouchard will follow up with Board members individually to determine whether rescheduling was appropriate.

Ms. Bouchard discussed a draft Rules and Regulations document for the Board, and committed to sharing a draft with the members. The draft would be put on an upcoming agenda as a work session item and would be advertised as a public hearing when it is closer to final.

### **Adjournment**

#### **Motion:**

Ms. Daly made a motion to adjourn. Ms. Greenwell seconded the motion. A vote was held and the motion passed 5-0.

The meeting adjourned at approximately 8:04 p.m.