

Zoning Board of Appeals

Michael Sheehan, Chair
Mary Kate Daly
Shannon Greenwell
Al Porro
Rachel Churchill



**Acting Director of
Community
Development**

Sarah Dixon Bouchard

**January 31, 2023
Meeting Minutes**

PRESENT:

Members: Michael Sheehan, Chair, Present
Mary Kate Daly, Present
Shannon Greenwell, Present
Rachel Churchill, Present

Sarah Bouchard, Acting Town Planner, Present
Emily Manning, Recording Secretary, Present

NOT PRESENT:

Al Porro

CALL TO ORDER:

Meeting was called to order at 7:09 P.M.

PROPOSED RULES & REGULATIONS (CONTINUED FROM JAN. 3, 2023)

Members discussed changes to the "Member Participation" section on the proposed rules & regulations. Michael Sheehan had a question in regards to the proposed rules & regulations from the last meeting. Believed comments should not be fielded through the Community Development Department as that could cause conflicts with state ethics law. They would like the word "promptly" removed. Conflicts of interest should go through Town Council or State Ethics. Sarah Bouchard explained the meaning behind "promptly". Sarah explained she facilitates contact between Town Council & board members if there is a conflict. Rachel Churchill wondered if the language in the Rules & Regulations made clear that a member can recuse themselves from a conflict. Sarah agreed the changes have made the section more clear.

Rachel Churchill recommended a language change to the "Applicability" section. She believed it would be clearer not to require a second authorization by the property owner, it would be a representative for the property owner. Sarah went over the current authorization form that is required if anyone besides the property owner is submitting an application. Sarah explained how the application process works, property owners can hire a representative to assist them, and software will differentiate the two. Owner authorization required if for example an engineering firm applies.

Michael Sheehan questioned if there are any questions about the “Plans” section. Rachel Churchill pointed out issues she had with the section language relating to plot plans. Shannon Greenwell added there should be a disclaimer “including but not limited to” Mr. Sheehan also questioned the “Supporting Documents” section; asked for a language change from “maybe ask” to “shall provide” a release form. Sarah believed this will be challenging for people to comply with. Mr. Sheehan recommended putting in the website address for “Mass Mapper” to make the request easier. Shannon Greenwell wondered if a Google Earth area would be acceptable, Mr. Sheehan stated the changing of dates on Google would be an issue, Mass Mapper is up to date and includes a measuring tool.

Mary Kate Daly added photos should be included in the list of additional information under Section 6C.

David Hern, member of the public spoke. He stated some unnecessary info can cause issues for the Town when the laws change. Mr. Sheehan explained this makes it easier for members of the public to understand as they are not versed in law. Believed it is helpful for these people. Mary Kate Daly pointed out that the board would need to stay on top of any changes to Mass General Law. Shannon Greenwell stated Sarah Bouchard will be aware of any law changes. Sarah added that the Rules & Regulations could be changed at any time if needed.

Shannon Greenwell pointed out an edit for Section 7, labeled as Section 10. Error fixed by Sarah Bouchard.

Mr. Sheehan stated he believes the current Notice of Public Hearing is sufficient. He does not think Town Meeting members need to be specifically made aware of hearings, if they are interested in something they should know to look it up. Rachel Churchill believed this section should refer back to what the rules and regulations are.

David Hern, a member of the public, requested to speak. He believed there are issues with recording negative results and withdrawals; recording negative results ties up the Registry of Deeds, and potentially messes up titles. Mr. Sheehan agreed with statements about withdrawal. Mr. Hern suggested adding language. Mr. Sheehan asked the Board how they feel; Shannon Greenwell asked Sarah how it works in her office. Sarah explained they record everything, and an applicant can appeal a denial. She expressed there is value in recording all results, and records are maintained by the Community Development Department. Mr. Hern stated until a court rules on a denial there is nothing to record in the Registry of Deeds, and emphasized the fact that there is no legal requirement to record negative decisions. Reiterated that this clogs the title. Mr. Sheehan agreed that denials should not be recorded. The Board agreed.

Michael Sheehan called for recess on this matter.

PUBLIC HEARING

CASE NO: 23-01: APPEAL REGARDING 241 PLEASANT STREET

Al Porro was not present for Public Hearing. Hearing continued for March 14, 2023. Mr. Sheehan read the legal notice. Motion by Mary Kate Daly to continue the hearing to March 14th at 275 Prospect St. Norwood, MA, 7 pm. Motion seconded by Rachel Churchill.

Roll Call Vote:

Rachel Churchill: **Yes**

Shannon Greenwell: **Yes**

Mary Kate Daly: Yes
Michael Sheehan: Yes

Result: 4-0-0 (Approved)

PROPOSED RULES & REGULATIONS (CONTINUED FROM JAN. 3, 2023) Cont.

Rachel questioned if clarifications want to be made on what is the content of the verbal decision under section 9A. Sarah stated it is important for the Board to be specific in their findings, but it is not something that would need to be added into the Rules and Regulations. Shannon Greenwell pointed out not all board members have the same findings/facts. She also noted this could also be part of Section 10B, as this would make it an expectation for the Board.

David Hern, a member of the public, requested to speak. He wondered if the name of the property owner could be recorded in the submissions, leaving that out could cause a rejection by the Registry of Deeds. This would help in terms of recordings.

Sarah Bouchard noted that while the content of the Rules and Regulations is completed, she would be making edits to the Table of Contents

Rachel Churchill wondered if the Rules & Regulations had been sent to Town Council, Sarah stated yes but had not heard back at the time of the meeting. New changes should not be a big deal.

David Hern, a member of the public, suggested that the verbiage "and/or" should be added to the Section referring to Mass Mapper.

Michael Sheehan made a clarification statement in response to the local paper that Mr. Hern is not serving as counsel to the Board, that this has been worked on by many different people throughout the Town. Mr. Hern has been very helpful in assisting the Board as a member of the public during public session.

MOTION to end the public hearing made by Shannon Greenwell. Motion seconded by Mary Kate Daly.

Roll Call Vote:

Mary Kate Daly: Yes
Shannon Greenwell: Yes
Rachel Churchill: Yes
Michael Sheehan: Yes

Result: 4-0-0 (Approved)

Mr. Sheehan asked for a motion to approve the Rules and Regulations conditioned upon update of the Table of Contents and reviewed by the Town Council.

MOTION to approve the Rules and Regulations in accordance with said conditions made by Mary Kate Daly. Motion seconded by Shannon Greenwell.

Roll Call Vote:

Rachel Churchill: Yes

Shannon Greenwell: Yes
Mary Kate Daly: Yes
Michael Sheehan: Yes

Result: 4-0-0 (Approved)

MOTION TO ADJOURN:

Michael Sheehan entertained a motion to adjourn the meeting.. Motion made by Mary Kate Daly. Motion seconded by Shannon Greenwell.

Roll Call Vote:

Rachel Churchill: Yes
Shannon Greenwell: Yes
Mary Kate Daly: Yes
Michael Sheehan: Yes

Result: 4-0-0 (Approved) The meeting was adjourned at 7:51 P.M.