

ZONING BOARD OF APPEALS

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



DIRECTOR OF
COMMUNITY DEVELOPMENT
Sarah Dixon

ASSISTANT DIRECTOR OF
COMMUNITY DEVELOPMENT
Holly Jones

Zoning Board of Appeals
October 24, 2023
Hybrid Meeting Minutes

PRESENT

Michael Sheehan, Chair
Mary Kate Daly, Clerk
Al Porro
Joanne Powell, Associate Member
Daniel D'Isodoro, Associate Member

Sarah Dixon, Town Planner

CALL TO ORDER

The meeting was called to order at 7:00 P.M.

PUBLIC HEARINGS

Case 23-32, 101 Hill Street- Special Permit

Michael and Katherine Baulier, 101 Hill Street, presented. They were looking to reconstruct the third floor of their home, adding an additional 625 square feet of living space. The home was a preexisting, nonconforming structure. The home was currently 2,506 square feet. Mr. Sheehan clarified that the applicants planned to install dormers.

Ms. Powell questioned the shape of the roof. Mr. Baulier explained that while they were installing dormers, they would make sure the shape and pitch of the roof was in compliance. Ms. Powell also wondered if the ridge height was changing, which the Baulier's clarified only the slope of the roof was changing.

Mr. Sheehan acknowledged a letter from the Building Commissioner, who was in agreement with the project.

Ms. Powell pointed out that the percentage increase was not quite 25%, but 24.9%. As previously mentioned by Ms. Daly, the Norwood Assessor's Database listed the square footage at 1,732, rather than the correct square footage of 2,506. Ms. Dixon advised the Board to proceed with the vote.

MOTION I to close the public hearing made by Mary Kate Daly. Seconded by Joanne Powell.

Roll Call Vote:

Daniel D'Isodoro: **Yes**

Joanne Powell: **Yes**

Mary Kate Daly: **Yes**

Al Porro: **Yes**

Michael Sheehan: **Yes**

Result: 5-0-0 (Motion Passed)

MOTION II to approve the special permit, as presented, made by Mary Kate Daly. Seconded by Daniel D'Isodoro.

Roll Call Vote:

Daniel D'Isodoro: Yes

Joanne Powell: Yes

Mary Kate Daly: Yes

Al Porro: Yes

Michael Sheehan: Yes

Result: 5-0-0 (Motion Passed)

Case 23-35, 1 Moderna Way- Special Permit

Mr. Sheehan acknowledged a letter from the Building Commissioner, who supported the approval of the proposed project.

Jim Jackson, 10 Lincoln Street, Foxborough, presented on behalf of the applicant, Moderna Inc.. The Moderna Building was located in the Water Resource Protection Overlay District (WRPOD). Moderna's operations do produce some hazardous waste that needs to be stored, and while working to consolidate their campus, they were looking to document their compliance with WRPOD regulations. Moderna was not changing their current operation on storing hazardous waste. Mr. Jackson presented a PowerPoint presentation, which explained where the waste was stored on their campus, and detailed Moderna's protocol regarding hazardous material.

After Mr. Jackson's presentation, Mr. Porro questioned if the 55 gallon hazardous waste storage limit applied to all of Moderna's three campuses. Deborah Donovan (Moderna), 30 Harrison Avenue, Newport, RI, explained that each individual storage container was no bigger than 55 gallons, but each storage area had its own maximum limit, which were detailed in the plans provided.

Ms. Daly wondered how frequently the storage containers were picked up from the facility. Josh Ames, 1 Moderna Way, explained that while they were allowed to store hazardous waste for up to 90 days, because of the amounts produced, it was picked up at least twice per week.

Mr. Sheehan was concerned about hazardous material being driven through neighborhoods. Mr. Ames explained that main roads were used for the delivery and pickup of hazardous material. Mr. Sheehan was also curious about "uncontrolled spills", which were mentioned in the application. Mr. Ames explained that employees were trained to respond to smaller, incidental spills, referred to as controlled spills. Larger spills where emergency teams needed to be brought in were referred to as uncontrolled spills. Norwood Fire would be involved if there were a catastrophic uncontrolled spill. Mr. Sheehan also mentioned that he would like to see the Conservation Agent listed as a contact for spills.

Steve Eosco, 14 Endicott Street, was curious if the Fire Chief was involved with the plans being made by Moderna. Mr. Ames stated that they were in constant contact with the Fire Department, and they had looked over and approved the plan being brought before the Board. Mr. Eosco also wondered exactly what type of hazardous material was being produced. Mr. Ames noted that most of the hazardous waste was from cleaning products.

Judith Howard, 200 Nichols Street, was concerned about hazardous material getting into nearby waters. Ms. Donovan explained that the containers were located inside, and if a spill were to occur it would be contained indoors. The building also sat on a spill recovery platform.

MOTION I to close the public hearing made by Mary Kate Daly. Seconded by Daniel D'Isodoro.

Roll Call Vote:

Al Porro: Yes

Mary Kate Daly: Yes

Joanne Powell: Yes

Daniel D'Isodoro: Yes

Michael Sheehan: Yes

Result: 5-0-0 (Motion Passed)

MOTION II to approve the special permit, as presented, made by Mary Kate Daly. Seconded by Joanne Powell.

Roll Call Vote:

Al Porro: Yes
Mary Kate Daly: Yes
Joanne Powell: Yes
Daniel D'Isodoro: Yes
Michael Sheehan: Yes

Result: 5-0-0 (Motion Passed)

Case 23-38, 115 Norwood Park South- Special Permit

Ms. Dixon explained the discussion had by the Norwood Planning Board regarding the intention of Footnote 12 of the Zoning Bylaws. The Planning Board believed a special permit under §5.3.2 would be appropriate for this matter.

David Hern, 30 Walpole Street, presented on behalf of the applicant, 1144 Properties LLC, who owned the property at 115 Norwood Park South. The building had been in existence for many years, and had just recently been renovated. The applicant had entered into lease agreements with two different medical offices, who were planning to open spaces on the first floor of the building. Past zoning changes had changed a once conforming use into a non-conforming use. They were seeking a special permit to change non-conforming uses on the property, from a medical laboratory to a medical office and clinic. Mr. Hern made the argument that while the building had frontage on Route One, it was located on Norwood Park South and was not in a convenient location for passersby to find, therefore he believed Footnote 12 should not apply to this property.

Mr. Sheehan acknowledged a letter from the Building Commissioner, who was in support of a special permit for the property.

Debbie Holmwood, 49 Beech Street, pointed out that the purpose of Footnote 12 was to give Route One in Norwood a facelift. She believed the proposed use would be good for the particular space.

Pertaining to an earlier question by Ms. Daly regarding the former tenant leaving the building, Ms. Powell was curious if they left due to the renovations. Frank Schillio, 100 Ledgewood Place, Rockland, explained that when the former tenants lease was up, 1144 Properties purchased the building from them as Siemens was moving their operation.

MOTION I to close the public hearing made by Mary Kate Daly. Seconded by Al Porro.

Roll Call Vote:

Al Porro: Yes
Mary Kate Daly: Yes
Joanne Powell: Yes
Daniel D'Isodoro: Yes
Michael Sheehan: Yes

Result: 5-0-0 (Motion Passed)

MOTION II to approve the special permit, as presented, made by Mary Kate Daly. Seconded by Daniel D'Isodoro.

Roll Call Vote:

Daniel D'Isodoro: Yes
Joanne Powell: Yes
Mary Kate Daly: Yes
Al Porro: Yes
Michael Sheehan: Yes

Result: 5-0-0 (Motion Passed)

Ms. Dixon recommended that the Board discuss voting to approve an additional special permit under §5.3.2. Gary Pelletier, Building Commissioner, also believed that approval would be helpful, and advised the Board to discuss.

MOTION III to approve a special permit under §5.3.2 for 115 Norwood Park South made by Mary Kate Daly. Seconded by Joanne Powell.

Roll Call Vote:

Daniel D'Isodoro: Yes
Joanne Powell: Yes
Mary Kate Daly: Yes
Al Porro: Yes
Michael Sheehan: Yes

Result: 5-0-0 (Motion Passed)

Case 23-34, 61 Endicott Street, Avni Events- Special Permit

Shalini Baldeo, 28 Macy Avenue, Brockton, presented. She was seeking a special permit for an event space she was planning to open at 61 Endicott Street (Winsmith Mill). The space was around 3,000 square feet with a potential capacity of 100 people, and she was planning to host small events such as birthday and graduation parties. She also planned to invest in the space by installing new floors and central air conditioning.

Ms. Powell wondered about the capacity of the space. Ms. Baldeo explained that 100 people was only an estimate, and if the special permit were approved, her next step would be to work with the Building Department to obtain a Certificate of Occupancy. Ms. Powell was also concerned about traffic impacts. Ms. Baldeo stated that she had gone to the Winsmith Mills at a peak time, and she believed that her space would not negatively affect traffic in the area. She also pointed out that most businesses at the Mill are closed after 7 P.M., therefore nighttime events would have very little impact.

Mr. Porro believed there was not enough information to approve a special permit, and thought the applicant should withdraw without prejudice and return with an information packet.

Mr. Sheehan was concerned about traffic impacts, amongst other things, with the businesses going into the Mill that attract large crowds. He noted that the lack of a certified plot plan from the building owners makes it difficult to continue approving projects, which was not the fault of the applicant. He believed that the proposed space was a great idea for the area.

Mr. Sheehan acknowledged a letter from the Building Commissioner, who was in support of the special permit. Mr. Pelletier, in response to Mr. Porro's concerns, pointed out updates that had been done at the Mill to improve accessibility in the building. He also agreed with Mr. Sheehan that a certified plot plan from the building owners would be helpful in approving these special permits.

Toni Eosco, 14 Endicott Street, noted that the owners of the Mill had done a great job in improving the space. She acknowledged that while this was not the fault of the applicant, the neighbors were concerned about the individual number of special permits being approved for the Mill. She was concerned about traffic from the Mill given the lack of sidewalks on Endicott Street. Steve Eosco, 14 Endicott Street, agreed with Mrs. Eosco's statements.

David Hern, 30 Walpole Street, who represented the building owners but was not there on their behalf, explained that there were presently 420 parking spaces at the Mill, with room for another 144 spaces. He pointed out that the businesses operating in the Mill do not always operate at the same times, and would not interfere with each other as far as traffic goes.

The Board discussed their individual views on the matter. The applicant requested to withdraw without prejudice.

MOTION to allow the applicant to withdraw without prejudice made by Mary Kate Daly. Seconded by Daniel D'Isodoro.

Roll Call Vote:

Daniel D'Isodoro: Yes

Joanne Powell: Yes

Mary Kate Daly: Yes

Al Porro: Yes

Michael Sheehan: Yes

Result: 5-0-0 (Motion Passed)

Case 23-37, 61 Endicott Street (Euphoria Health & Fitness)- Special Permit

Marina Bekker, 95 West Street, Walpole, presented. She was proposing a boutique boxing studio at 61 Endicott Street (Winsmith Mill). Classes would be no more than 10-20 people, and they do not overlap with operation time of the Winsmith Mill shops, but one-on-one classes would take place during the Mill's shop hours.

Mr. Porro stated that he was not ready to vote on the special permit as there was no plot plan provided. Ms. Bekker stated that her business was proposed for Building 26 Suite 15.

Mr. Sheehan acknowledged the great business model, however he was not comfortable voting on a special permit without a clear business operation plan from the building owners.

Debbie Holmwood, 49 Beech Street, pointed out that the Winsmith Mill was full of different businesses that brought people to Norwood. She wondered if there was a way for the Zoning Board to approve tenants' Special Permits for a certain amount of time, until the building owners provide a business operation plan.

Steve Eosco, 14 Endicott Street, was curious about the square footage of Ms. Bekker's space, which she confirmed to be 2,375 square feet.

Mr. Pelletier recommended that the Board consider conditions on maximum class size and hours of operation in their motion.

The Board discussed their wishes on the matter. Mr. Sheehan expressed his concerns over lack of a plot plan provided by the building owners, and believed that should be provided before he could vote to approve the special permit. The applicant requested to withdraw without prejudice.

MOTION I to allow the applicant to withdraw without prejudice made by Mary Kate Daly. Seconded by Daniel D'Isodoro.

Roll Call Vote:

Al Porro: Yes

Mary Kate Daly: Yes

Joanne Powell: Yes

Daniel D'Isodoro: Yes
Michael Sheehan: Yes

Result: 5-0-0 (Motion Passed)

Mr. Corleone, a member of the public, questioned how the applicant should proceed. Ms. Dixon and Mr. Sheehan explained that it was on the building owner to provide plans regarding parking, circulation, and drainage, to allow them to continue to approve special permits for the space. Mr. Hern also spoke on the draft plan in review for the Winsmith Mill, and pointed out that the building owners were working with the Town.

MOTION II to close the public hearing made by Mary Kate Daly. Seconded by Joanne Powell.

Roll Call Vote:

Daniel D'Isodoro: Yes
Joanne Powell: Yes
Mary Kate Daly: Yes
Al Porro: Yes
Michael Sheehan: Yes

Result: 5-0-0 (Motion Passed)

OTHER BUSINESS

Discussion on the 9-12-2023 meeting minutes was postponed to a future meeting date.

ADJOURNMENT

MOTION to adjourn the meeting made by Mary Kate Daly. Seconded by Al Porro.

Roll Call Vote:

Al Porro: Yes
Mary Kate Daly: Yes
Joanne Powell: Yes
Daniel D'Isodoro: Yes
Michael Sheehan: Yes

Result: 5-0-0 (Motion Passed)

The meeting was adjourned at 8:52 P.M.

Minutes respectfully submitted by Emily Manning