

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 Meeting October 25, 2022 Meeting Minutes

PRESENT

Michael Sheehan, Chair
Benjamin Beutel
Shannon Greenwell
Al Porro
Rachel Churchill
Paul Eysie

Sarah Dixon, Assistant Town Planner

CALL TO ORDER

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

PUBLIC HEARINGS

Case No: 22-19, 41 Chapel Court

Brian Almeida, attorney, presented for the applicant. The applicant was looking to reconstruct an existing, non-conforming, single family home. The existing home on the lot was built in 1910, and the lot was non-conforming in frontage and total area, and also situated on a steep incline. The applicant was also looking to modernize the existing home and add a driveway, which the property did not contain. The proposed project would comply with the height, lot coverage, and open space requirements, but they would need relief for the side and rear setbacks. Mr. Almeida noted that the applicant for this project had completed numerous other projects in the area of Chapel Court.

David O'Sullivan, architect for the proposed project, spoke on the proposed plans and explained the measurements of the proposed modifications of the existing home. He also provided the group with concise floor plans, and elevations for the proposed project. He noted that the addition of the driveway would conform with setback requirements.

Ms. Churchill questioned the position of the proposed paved driveway in relation to the gravel driveway currently on the lot. The current gravel driveway goes through the lot, but the proposed driveway would cut off around the side of the home.

Mr. Eysie questioned the use of the gravel driveway, as it was previously stated there was no driveway on the lot. Mr. O'Sullivan clarified that given the proposed plans for the existing home, they would not meet setback requirements if the gravel driveway remained. Mr. Eysie also asked the applicants to speak on how they met the criteria for a variance, notably the shape and topography. Mr. Almeida stressed that given the incline of the lot, as well as the surrounding area not being suitable for street parking, hence the need for a new driveway, covered the topography. The applicant would not be able to add a new, conforming home on the existing footprint due to setback requirements with the gravel driveway. Mr. Almeida added that they had a small lot in an area where lots are far larger, giving them a shape related deficit owing to a variance.

Mr. Sheehan pointed out that the application submitted, one of the reasons for requesting a variance was to add a driveway, when there was a gravel one on the lot that was not being moved from its existing location. He added that the left side wall of the home was on the same plane as the existing wall.

Ms. Churchill questioned the conformity of the setbacks on the existing home. Mr. Sheehan noted that while the existing home was conforming, if the Board were to pass this request, two other non conformities would be added; the side and the front.

Shawn Moore, 39 Chapel Court, expressed concerns and questioned various aspects of the proposed project, notably the driveway.

Abhilesh Loomba, 33 Chapel Court, expressed concerns for the side setback on the proposed home.

Based on concerns of the Board and neighbors, Mr. Almeida asked the Board to withdraw the application without prejudice.

MOTION to allow the applicant to withdraw the application, without prejudice, made by Paul Eysie. Seconded by Shannon Greenwell.

Roll Call Vote:

Benjamin Beutel: **Yes**

Paul Eysie: **Yes**

Shannon Greenwell: **Yes**

Rachel Churchill: **Yes**

Michael Sheehan: **Yes**

Result: 5-0-0 (Motion Passed)

*Case No: 22-20, Fairview Road Map 3 Block 6C Lot 44A (Continued from September 13, 2022)
The applicant submitted a written request to withdraw this application without prejudice on October 12, 2022.*

MOTION to allow the applicant to withdraw the application, without prejudice, made by Shannon Greenwell. Seconded by Paul Eysie.

Roll Call Vote:

Benjamin Beutel: Yes

Paul Eysie: Yes

Shannon Greenwell: Yes

Rachel Churchill: Yes

Michael Sheehan: Yes

Result: 5-0-0 (Motion Passed)

Case No: 22-23, 1315 Washington Street

Mr. Sheehan stressed to the applicant and the audience that the request before them was only for a Special Permit for building height, and the public hearing should reflect as such.

Andy Street, The Vertex Companies (400 Libbey Parkway, Weymouth), and Justin Tibeau, architect, 18 Silver Road, Shrewsbury, presented on behalf of the Norwood Public Schools. Mr. Tibeau noted that while there was a need for an updated middle school building, there was also overcrowding in Norwood's elementary schools. After numerous deliberations, it was found that the best course of action was to move fifth grade students into a new middle school building. As student age gaps became cause for concern, the parties involved decided to separate each grade by floor, creating a new four story building.

Mr. Street pointed out that the height of the current Coakley Middle School building was 36.5 feet, making it a pre existing non-conforming structure. The proposed new building would have a height of 57 feet. The new building was proposed to be placed 300 feet behind the current building. Given that the proposed building was to be placed further back, it would mitigate any issues with the sightline from Washington street and abutters.

Edward Kniolek, 15 Short Street, questioned the Board on what was going to happen to the Morse House. Mr. Sheehan noted that the hearing was only for the height of the proposed new middle school. Mr. Street explained that there would be another public forum for discussion where the Morse House would be relevant.

Ms. Dixon stated that while this request for a special permit was advertised under §5.4 of the Norwood Zoning Bylaw, or MGL Ch. 40A §6, after speaking with Town Council David DeLuca, he stated that a special permit under §5.3.2 was the appropriate relief that this application would require.

MOTION I to close the public hearing made by Shannon Greenwell. Seconded by Rachel Churchill.

Roll Call Vote:

Rachel Churchill: Yes
Shannon Greenwell: Yes
Paul Eysie: Yes
Benjamin Beutel: Yes
Michael Sheehan: Yes

Result: 5-0-0 (Motion Passed)

MOTION II to approve the special permit, as presented, to increase the height of the middle school building made by Shannon Greenwell. Seconded by Paul Eysie.

Roll Call Vote:

Rachel Churchill: Yes
Shannon Greenwell: Yes
Paul Eysie: Yes
Benjamin Beutel: Yes
Michael Sheehan: Yes

Result: 5-0-0 (Motion Passed)

Case No: 22-22, 266 Pleasant Street

Mr. Porro joined the meeting remotely prior to the beginning of this public hearing. Mr. Eysie left the meeting following the arrival of Mr. Porro.

David Hern, 30 Walpole Street, spoke on behalf of the applicant, Ann Connors. The applicant was seeking a variance for boundary line adjustment due to issues she discovered on the property. Her neighbor at 274 Prospect Street's driveway extends onto her property, a shed on the property has the boundary line running through the middle of it, and a play area constructed to the rear of the neighbor's property crosses over the line. The parties came to an agreement, contingent on the vote of the Zoning Board of Appeals and the Planning Board, to change the boundary lines and place the affected objects on the correct side. Changing the lines as proposed would leave the rear of the house with a lot width at 88 square feet. Physically, nothing on the site would be changing.

Ms. Greenwell wondered if the right angle of the driveway was creating the setback issue and causing the need for the variance. Mr. Hern explained that the applicant would be increasing the non conformity.

Ms. Churchill asked if an easement had been considered, rather than a variance. Mr. Hern explained that liability still remains with the property owner under an easement.

Mr. Hern added that topographic conditions based on the trees and stone wall and hardships owed to the granting of a variance.

MOTION I to close the public hearing made by Shannon Greenwell. Seconded by Al Porro.

Roll Call Vote:

Al Porro: Yes

Benjamin Beutel: Yes

Shannon Greenwell: Yes

Rachel Churchill: Yes

Michael Sheehan: Yes

Result: 5-0-0 (Motion Passed)

MOTION II to approve the variance made by Benjamin Beutel. Seconded by Shannon Greenwell.

Roll Call Vote:

Shannon Greenwell: Yes

Rachel Churchill: Yes

Benjamin Beutel: Yes

Al Porro: Yes

Michael Sheehan: Yes

Result: 5-0-0 (Motion Passed)

Case No: 22-24, 169R Railroad Avenue

David Hern, 30 Walpole Street, presented on behalf of the applicants. They were looking to open a dog grooming, doggy daycare, and dog kenneling business in a former auto mechanic shop. Doggy daycare and kenneling require special permits to operate in Norwood. The applicants had been working in dog training for years. The applicants had been engaging with neighbors, and multiple neighbors were in support of the proposed project. The applicants would add soundproofing to the walls to alleviate noise, and had a traffic plan in place to assure traffic would not impact the neighborhood.

Ms. Greenwell questioned the buildings surrounding the area of the proposed business. Mr. Hern explained that a hair salon and second floor apartment were in the same building as the proposed business. There were numerous single family homes, a condominium complex, and other small businesses in the immediate vicinity. Mr. Hern also spoke on the specific soundproofing material that would be used inside the building to alleviate noise following a question from Ms. Greenwell.

Ms. Churchill asked about the average number of dogs the applicants believed they would be kenneling at a time. Paul Molloy, applicant, 42 Varwood Circle, stated he projected he could have between 20 or 30 dogs at a given time, but that was dependent on who showed up on a given day. He added he would take into concern which dogs were compatible together. For example, large dogs and smaller dogs would not be kenneled together.

Ms. Dixon pointed out two letters that were sent to the Board in regards to this project. David Groh, 7 Baker Street, submitted a letter of concern, asking the board to deny the application. Another letter received from Jessica Herbert at 14 Varwood Circle asked the Board to approve the special permit.

Elias Akiki, 606 Clapboardtree Street, Westwood, who was in agreement to purchase the Shamrock Pub which abuts the property at 169R Railroad Avenue, spoke in support of the project.

MOTION I to close the public hearing made by Shannon Greenwell. Seconded by Al Porro.

Roll Call Vote:

Al Porro: Yes

Benjamin Beutel: Yes

Rachel Churchill: Yes

Shannon Greenwell: Yes

Michael Sheehan: Yes

Result: 5-0-0 (Motion Passed)

MOTION II to approve the special permit, as presented, to allow the uses of dog daycare and kenneling made by Shannon Greenwell. Seconded by Rachel Churchill.

Roll Call Vote:

Shannon Greenwell: Yes

Rachel Churchill: Yes

Al Porro: Yes

Benjamin Beutel: Yes

Michael Sheehan: Yes

Result: 5-0-0 (Motion Passed)

Draft Rules & Regulations of the Zoning Board of Appeals

Mr. Sheehan proposed that the Board submit their thoughts on the Draft to Ms. Bouchard, and they could be shared with the public at the December meeting.

Mr. Sheehan pointed out language he believed should be added to the Rules and Regulations, especially in regards to Executive Session.

Ms. Greenwell added language she would like to see added in regards to Building Department peer review on project applications.

Mr. Hern commented that some of the proposed rules & regulations were repetitive based on what was already in the Bylaw, and some that seemed to clash with it. He added that it also may be helpful to appoint a vice chair, especially given the Board entered Executive Session. Mr. Hern also suggested the Board not require recording denials or withdrawals with the Registry of Deeds, as it only clogs up records across all involved offices. Ms. Dixon commented that recording all decisions with the Registry of Deeds was helpful for her office in terms of record keeping.

Mr. Hern also pointed out issues he had with the Energov system, which the Town requires for permitting. He stated that as a lawyer, he submitted applications for his clients, however the Energov system only allows him to name himself as the applicant, making him liable as a defendant in a lawsuit under Massachusetts General Law. Ms. Dixon stated that the Town was working to improve the Energov system, and allow outside parties submitting applications for clients to identify themselves as such.

MOTION to continue the public hearing in regards to the Draft Rules and Regulations of the Norwood Zoning Board of Appeals to December 6th, 2022 at the Norwood Senior Center at 7:00 P.M. made by Al Porro. Seconded by Shannon Greenwell.

Roll Call Vote:

Al Porro: **Yes**

Shannon Greenwell: **Yes**

Rachel Churchill: **Yes**

Michael Sheehan: **Yes**

Result: 4-0-0 (Motion Passed)

ADJOURNMENT

MOTION to adjourn the meeting made by Shannon Greenwell. Seconded by Al Porro.

Roll Call Vote:

Al Porro: **Yes**

Shannon Greenwell: **Yes**

Rachel Churchill: **Yes**

Michael Sheehan: **Yes**

Result: 4-0-0 (Motion Passed)

The meeting was adjourned at 9:33 P.M.

Minutes respectfully submitted by Emily Manning