

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 Planner
Sarah Dixon Bouchard

December 6, 2022
Norwood Senior Center
275 Prospect Street
Remote participation available at GoToMeeting

Zoning Board of Appeals Meeting Minutes

Present: Michael Sheehan, Chair
Benjamin Beutel
Mary Kate Daly
Rachel Churchill
Shannon Greenwell -participating remotely
Al Porro

1. **Call to Order:** The meeting was called to order at 7:00 p.m. by the Chairman, Mr. Michael Sheehan who outlined the meeting procedures.
2. **Public Hearings:**

Case #22-22, 266 Pleasant Street, Request for Variance under §4.1.1

Mr. Sheehan read the legal notice into the record. He then explained that the Board had approved the request for the variance in October but due to a clerical error (legal ad posting deadline not being met) the public hearing had to be reposted and the request for a variance had to be reviewed and voted upon again by the Board.

Representing the applicant, Attorney David Hern stated the owner of the property, Ms. Connors, purchased the property last year. After it was purchased, she discovered encroachments on the property, specifically a shed, a play area, and part of a driveway. Attorney Hern stated that Ms. Connors and the abutting neighbor had come to an amicable agreement to resolve the encroachment by transferring two “triangular shaped pieces of land” totaling 1,096 square feet from Ms. Connors property to the neighbor’s property.

He said that Ms. Connors’ property had sufficient area and would still have sufficient area after the land transfer, however, her property was a pre-existing non-conforming lot due to frontage (78.19 where 90’ is required) and lot width (88.8’ where 90’ is required).

Attorney Hern referenced photos of the property and reviewed each of them with the Board members, showing the encroachments and boundaries. He explained that due to the non-conforming nature of the lot, a variance from the ZBA was required as well as an ANR plan endorsement from the Planning Board in order to resolve the encroachment and potential liability issues. He stated that the variance request was related to the topographical conditions, the existing structures, and the hardship if the owner sought to have the structures removed. He stated that there was no detriment to the neighborhood or town and the variance would not go against the intent of the bylaw.

The Chair confirmed with Attorney Hern that the frontage would not be changing, and the variance would be for the lot width. The Chair asked the Board if they had any comments or questions and then opened the floor to the public; no one had comments or questions.

Motion I: Mr. Porro made a motion to close the public hearing. Mr. Beutel seconded the motion.

Roll Call Vote:

Shannon Greenwell: Yes

Al Porro: Yes

Rachel Churchill: Yes

Benjamin Beutel: Yes

Michael Sheehan: Yes

Result: 5-0-0 (Motion passed.)

Motion II: Mr. Porro made a motion to approve the Variance as proposed (insufficient lot width by 1.2 feet). Ms. Churchill seconded the motion.

The Chair commented that the lot had slightly irregular topography, the neighbors were in favor of the proposal, and that he did not see any detriment to the neighborhood.

Roll Call Vote:

Shannon Greenwell: Yes

Benjamin Beutel: Yes

Rachel Churchill: Yes

Al Porro: Yes

Michael Sheehan: Yes

Result: 5-0-0 (Motion passed.)

The Chair stated that he had the same Board members vote on this application that voted on it the last time.

Draft Rules & Regulations of the Zoning Board of Appeals (continued from 10.25.22)

*(*taken out of order by the Chairman. This public hearing was heard at the end of the meeting.*

The Chair stated he had sent comments to Ms. Dixon-Bouchard late the previous evening and that Attorney Hern had also provided comments the previous afternoon. He suggested that the Board send their comments to Ms. Dixon-Bouchard as soon as possible prior to January. Ms. Dixon Bouchard said that she would incorporate the comments into the draft and encouraged the Board to read one another's comments. The Chair suggested sending it to Mr. Eysie and Mr. Ryan to elicit their comments and feedback.

Motion: Ms. Daly made a motion to continue the public hearing to January 3rd at the Senior Center and available at GoToMeeting at 7 p.m. Ms. Greenwell seconded the motion.

Roll Call Vote:

Shannon Greenwell: Yes

Mary Kate Daly: Yes

Benjamin Beutel: Yes

Al Porro: Yes

Michael Sheehan: Yes

Case No: 22-25, 707 Neponset Street, Request for Special Permit under §5.2 *(*taken out of order by the Chairman. This public hearing was heard after the first agenda item: Case #22-22, 266 Pleasant Street, Request for Variance under §4.1.1)*

The Chair read the legal notice into the record and stated that the reviewing members would be himself, Ms. Daly, Ms. Greenwell, Mr. Beutel, and Mr. Porro.

Representing the applicant, Attorney David Hern stated the applicant was asking for a modification of a Special Permit that was granted in 2012. He said the property was located in the Residential Zone and has been used for commercial purposes for many years, noting that for the past 30 years the use was a gas station/automobile service facility. Attorney Hern explained that the modification request was for an expansion of the preexisting nonconforming use; the operation of a gas station/automobile service facility and convenience store into a larger portion of the lot that makes up the property. The site plan with the proposed changes was shown on the screen. Attorney Hern said the expansion into a previously unused area would include a 27-space parking area for

service and convenience store customers as well as cars that were waiting to be serviced. He noted the proposed property improvements which would include cleaning up the open area, putting down asphalt for parking, adding a 6' fence around the property to shield the residential neighbors (in the back on Ridge Road) and landscaping on the outside of the fence. He added that this should improve traffic flow within the site as well as traffic entering and existing the property.

The Chair opened the discussion up to the Board members. Ms. Greenwell stated that it appeared that there were no changes to the use or to the existing structures except for removing the angled parking spaces that would lead to the new parking area. Attorney Hern confirmed to Ms. Greenwell that there would also be no additional driveways added. Ms. Greenwell noted the light plan and said it didn't appear that it would have much impact on the neighbors but wanted to know if the light would be turned off overnight. Attorney Hern said that the light plan was designed to reduce light spillage onto other properties but that the lights would remain on overnight for security reasons. He noted that the changes would also require site plan review by the Planning Board.

Ms. Daly asked if the purpose of the modification was to alleviate the existing car congestion on the property. Attorney Hern affirmed that it was to alleviate car congestion, make it more convenient for customers, and to enhance safety. Ms. Daly asked about the existing trees. The applicant stated that would clean up the existing trees including cutting some of them as well as adding landscaping to enhance the property.

Ms. Daly asked what would happen if the Special Permit was not granted. Attorney Hern said that conditions would remain as they are. He further stated that not only was the proposed plan was not detrimental to the neighborhood but would that it would actually be an improvement of the existing conditions.

Mr. Beutel asked if the Special Permit was basically for the parking. Attorney Hern explained that it was for an existing non-conforming use which had been there for many years; a gas station/convenience stored in a residential district. He referenced the 2012 ZBA Special Permit which allowed the construction of an additional garage bay. He noted that the current request for a Special Permit modification was not to expand the building but rather to expand the use of a portion of the property that had not been formerly used.

Mr. Porro asked about the necessity of an increase of 27 spaces. Attorney Hern noted they were "losing" some of the existing spaces along the entry area. Mr. Porro asked for clarification of the meaning of "medium-term parking" and questioned if there would be parking for other businesses in the area. Attorney Hern replied the parking was only for customers, employees of the business, and cars waiting to be serviced. He also referenced the parking section of the Bylaw, Section 6.1. Mr. Porro confirmed with the Chairman that the lighting would be reviewed by the Planning Board when they did the Site Plan Review. Attorney Hern also reviewed details of the site plan with Mr. Porro in response to his questions.

The Chair provided feedback comments/possible condition regarding the existing internal traffic and the existing sign for inspections. He then opened the hearing to the public.

Mr. Brian Palmateer of 18 Ridge Road provided photos to the Board and stated that he was in favor of the proposed changes. He asked that the landscape be done prior to the paving and listed several reasons for his concerns regarding the landscaping. He expressed his support of the proposed parking changes. Another resident, who said she also lives on 18 Ridge Road, expressed her support of the proposed changes but asked about drainage due to the increase in impervious surface.

Ms. Churchill asked Mr. Hern to confirm that the plantings would be on the outside of the fence. He affirmed that they would be. Other Board members asked questions regarding drainage, plantings, and landscape maintenance. Attorney Hern said they would be looked at during Site Plan Review by the Planning Board and that they were asking the ZBA for a Special Permit Modification on the expansion of the existing nonconforming use.

Motion I: Ms. Daly made a motion to close the public hearing. Mr. Beutel seconded the motion.

Roll Call Vote:

Shannon Greenwell: **Yes**

Mary Kate Daly: **Yes**

Benjamin Beutel: **Yes**

Al Porro: **Yes**

Michael Sheehan: Yes

Result: 5-0-0 (Motion passed.)

Ms. Daly said that based on Section 5.2, the project would not be more detrimental to the existing nonconforming use. She opined that based on the information received that it would improve the property and the conditions in the neighborhood.

Mr. Beutel concurred with Ms. Daly, emphasizing the proposed landscaping.

Ms. Greenwell also concurred and agreed it was an improvement given the existing crowding of the vehicles both on the curve of Neponset St. and at the corner of Neponset St. and East Cross St.

The Chair asked the proponent the current hours of operation (6 am to 10 pm) and confirmed that the hours would not be changing. He also suggested recommendations to the Planning Board; landscaping irrigation, removal of temporary inspection sign, and that the side setbacks are met (no cars parking on the sidewalk) and the sandwich board sign currently in the ROW be removed from the ROW and be placed on the applicants property and it's location be approved by the building inspector..

Motion II: Ms. Daily made a motion to grant the Special Permit with a recommendation of irrigation to the Planning Board, that the pergola meet the requirement for setbacks, and a requirement of the removal/relocation of the inspection sign. Mr. Porro seconded the motion.

Roll Call Vote:

Shannon Greenwell: Yes

Mary Kate Daly: Yes

Benjamin Beutel: Yes

Al Porro: Yes

Michael Sheehan: Yes

Result: 5-0-0 (Motion passed.)

3. Other Business:

Board Reorganization – Clerk Position -The Chair, after checking with the other members, decided to postpone the reorganization until January. He noted that it would hopefully allow time for the Selectmen to appoint someone to replace Mr. Beutel.

Recognition of Benjamin Beutel's Service to ZBA

The Chair expressed appreciation for Mr. Beutel's service. He noted how Mr. Beutel always looked at things a little differently. He said that it made the Board more efficient and made them look at things from a different perspective.

Ms. Daly thanked him for his attention to details, said it was great serving with him, and wished him well.

Ms. Greenwell said she was sad to see him go and noted after lengthy discussions how he would bring the Board back to what they were deciding. She said that was very helpful to herself, residents, and the Board.

Ms. Churchill said she only met him a few times, was excited for him, thanked him for his service, and wished him luck.

Ms. Dixon-Bouchard thanked Mr. Beutel for his involvement with the Board, acknowledged what a big commitment it is to participate in a land use Board, and thanked him for his commendable work and commitment to the Town. She wished him the best of luck going forward.

The Board gave him a round of applause. Mr. Beutel said he wasn't expecting this much appreciation. He said it had been a pleasure to serve and a great learning experience which he would take with him.

Approval of 2023 Meeting Dates – The Chair stated he had two late-year conflicts; September 5th and October 10th. Discussion was had regarding voting on a January through June schedule or the full year schedule as well as waiting to change meeting dates closer to those dates.

Motion: Ms. Daly made a motion to approve the meeting schedule of the Norwood Zoning Board through June 30th. Mr. Beutel seconded the motion.

Roll Call Vote:

Al Porro: Yes
Benjamin Beutel: Yes
Mary Kate Daly: Yes
Shannon Greenwell: Yes
Michael Sheehan: Yes

Result: 5-0-0 (Motion passed.)

Administrative Updates: Ms. Bouchard-Dixon said they are seeking a recording secretary for ZBA Minutes and that they will be able to populate the Minutes from the recording; would not need to be present at the meeting. She also updated the Board on a staff change; Mr. Halkiotis had left his position as the Planning Director.

4. UPCOMING HEARING: January 3, 2023

5. Adjournment

Motion:

Mr. Beutel made a motion to adjourn. Mr. Poro seconded the motion.
A roll call vote was held and motion passed 4-0.

Roll Call Vote:

Al Porro: Yes
Benjamin Beutel: Yes
Mary Kate Daly: Yes
Shannon Greenwell: Yes
Michael Sheehan: Yes

Result: 5-0-0 (Motion passed.)

The meeting adjourned at approximately 8:54 p.m.
Minutes respectfully submitted by: Lynn Marchand