

Zoning Board of Appeals

Scott Murphy, Chair
Mary Kate Daly
Shannon Greenwell
Al Porro
Michael Sheehan



**Director of Community
Planning and Economic
Development**

Paul Halkiotis, AICP

Assistant Planner

Sarah Dixon Bouchard

July 6, 2021

Minutes

Present: Scott Murphy, Chair
Mary Kate Daly
Paul Eysie
Shannon Greenwell
Al Porro

The meeting was called to order at 7:05 PM by Chair Scott Murphy.

Case #21-03 1369 Providence Highway (continued from 5/4/21, 6/1/21)

Mr. Murphy introduced to the Board a written request for a continuance that was submitted by the applicant.

Motion:

Ms. Daly made a motion for continuance to August 3, 2021 at 7 pm at the Dick Keefe Studio at the Norwood Community Media office, Door 22, 245 Nichols Street. Mr. Porro seconded the motion. A vote of 5 to 0 was taken. Motion passed.

Case #21-17 – 130 Nahatan Street

Mr. Murphy read the legal notice into the record.

Jay Parillo of Back Bay Sign Company, applicant, introduced the proposal to modify an existing sign. The existing sign is nonconforming and the modification would add panels underneath. The space that was formerly Papa Gino's is proposed to be divided into two tenants; additional panels would allow for signage of the new businesses. The panels would look the same as the existing ones.

Mr. Murphy asked if it exceeds 50 square feet. Mr. Parillo confirmed that it does, at about 133 square feet, with 16 proposed to be added.

Ms. Greenwell stated that the open space is helpful for visibility, but the need for signage is compelling. Mr. Parillo stated that there will continue to be open space.

Ms. Daly asked if the original construction included any consideration about that height or open space. Mr. Parillo stated that the sign is very old, with several modifications over the years, and likely no former zoning relief was awarded or discussed. Ms. Daly asked if there would be any change in illumination; Mr. Parillo stated that there would not.

Mr. Eysie asked how much space would be open; Mr. Parillo stated that there are currently 52” below the sign to grade, additional panels would be 20.75” high and there would still about 31 inches between grade and bottom of new sign.

Mr. Eysie stated his support for the application.

Mr. Porro stated that he would have preferred a new sign to be constructed to bring this into conformity, but that the existing sign is attractive and he supports the application.

Mr. Murphy opened the hearing to the public for comment. Hearing none, the Board closed the hearing.

Motion:

Mr. Daly made a motion to close the hearing. Ms. Greenwell seconded the motion. A vote of 5-0 was taken.

Motion:

Mr. Eysie made a motion to approve the Special Permit for 130 Nahatan Street. Mr. Porro seconded the motion. A vote of 5-0 was taken.

Case 21-11 – 56 Hillshire Lane

Mr. Murphy read the legal notice into the record.

James and Kristen McBrien, homeowners and applicants, introduced the proposal to construct an addition to their existing single family home. Ms. McBrien described the existing home as a ranch in need of additional space for the family. Single story living was a priority for the family to accommodate mobility needs. The addition would increase the size of the kitchen, add two new bedrooms and a bathroom.

Mr. Porro stated that the addition as a first floor is a prudent move. He asked how much of an increase there would be; Mr. Murphy clarified the proposal as adding 62% of floor space. Mr. Porro asked about impact on side and rear yard; Ms. McBrien described it as their driveway, and they would still have driveway left. Mr. McBrien described the encroachment into the rear yard. Mr. Porro said he was satisfied with the remaining 15 foot setback. Mr. Porro asked if the pool was in compliance; Ms. McBrien confirmed that a permit was pulled and issued for the pool.

Mr. Eysie asked to clarify the dimensional requirements and stated that he was satisfied with the relief requested. He stated that it fits well with the neighborhood.

Ms. Daly stated that the size is consistent with the neighborhood and had no further questions.

Ms. Greenwell stated that she is satisfied with the proposal.

Mr. Murphy asked to clarify the part of the home that has two stories; Ms. McBrien reviewed the existing space and confirmed.

Mr. Murphy opened the hearing to the public for comment. Hearing none, the Board closed the hearing.

Motion:

Ms. Daly made a motion to close the hearing. Mr. Eysie seconded the motion. A vote of 4-0 was taken.

Motion:

Ms. Daly made a motion to approve the Special Permit for 56 Hillshire Lane under Bylaw Section 5.4. Ms. Greenwell seconded the motion. A vote of 5-0 was taken.

Case 21-13 – 310 Railroad Avenue

Mr. Murphy read the legal notice into the record.

Sean Colahan, homeowner and applicant, introduced the proposal to construct an addition to the existing single family home. The addition would include an accessory dwelling unit for a family member and allow the family to remain in Norwood. The addition will tie into the existing floor plan and not sacrifice rear yard space. He stated that the proposal would be comparable to other homes in the neighborhood. He stated that the encroachment into the setback is mitigated by the fact that there are other similar properties and it doesn't go right to the sidewalk.

Ms. Greenwell asked what the percentage increase of habitable floor space is. Mr. Colahan replied that the square footage of the house presently is about 130 square feet and that part of the existing structure would be demolished.

Mr. Murphy stated that the relief is only for encroachment into the setback.

Ms. Greenwell stated that other homes are closer to the street/sidewalk than the proposal.

Ms. Daly asked about the intended motor vehicle storage with the plan showing 4 cars. Mr. Colahan replied that was just a visual. He described the ADU as not needing a total 4 of cars.

Mr. Eysie reviewed the distinctions between two family homes and ADUs, and asked Mr. Colahan if he was aware of the restrictions against the duplex conversion. Mr. Colahan said he was knowledgeable of the requirements and that their intention is for an ADU.

Mr. Porro asked to clarify the location of the addition. He stated that there isn't much being added to the footprint. Mr. Colahan agreed and said some of the existing first floor structure would be removed.

Mr. Murphy asked about the height of the structure. Mr. Colahan said the addition would be single story and not higher than what is existing. Mr. Murphy stated that the sidewalk is not included in the setback and Mr. Colahan confirmed. Mr. Murphy asked Ms. Bouchard if the town engineer commented or had issue with the proposal; Ms. Bouchard confirmed that no comment was received.

Mr. Murphy suggested that a condition be added restricting used as an accessory dwelling unit.

Mr. Murphy opened the hearing to the public for comment.

Doris Dickson, 280 Railroad Ave, stated her concerns to the proposal. She stated that similar renovations were done near her home and resulted in water issues relating to loss of grass for snow removal and storage. She also stated that the 4 bedroom would only have 2 parking spaces on a corner of two narrow streets and is concerned about traffic and safety. She stated that visually she likes the proposal's design.

Mr. Murphy asked to confirm that the reduction in the setback would be on the Fulton side; Mr. Colahan confirmed. Mr. Murphy asked if Ms. Dickson objected to the encroachment on that side; she confirmed that she does.

Mr. Eysie asked Ms. Dickson where her home is relative to the subject property. She replied that she is 4 houses down on Railroad Avenue. Mr. Eysie stated that the applicant is aware of the issues and will likely take these concerns into consideration for parking and snow storage. Mr. Colahan stated that he blows snow into the backyard and hasn't had difficulty in the past. He also stated that he can currently store 3 cars on the property.

Ms. Daly asked if the increase in water issues was related just to snow. Ms. Dickson replied that many issues contribute to that problem, but mostly an increase in loss of impervious surface.

Mr. Murphy asked if other neighbors had been in touch with Mr. Colahan. Mr. Colahan replied that he has discussed the proposal with all of his immediate neighbors and they are supportive.

Mr. Porro asked how many additional square feet are proposed to be constructed and how much impervious surface would be removed. Mr. Colahan stated about 250 square feet. Mr. Porro asked about plans for a French drain or any other drainage system. Mr. Colahan stated that the property is elevated from the street.

Ms. Bouchard asked Mr. Colahan to submit his revised plot plan; the Board reviewed the plan and Mr. Colahan submitted it to the record.

Mr. Eysie stated that drainage needs to be installed to collect water. Mr. Colahan stated that he would consider installation of a drain system.

Hearing no additional public comment, the Board moved to close the hearing.

Motion:

Mr. Daly made a motion to close the hearing. Ms. Greenwell seconded the motion. A vote of 5-0 was taken.

Motion:

Mr. Eysie made a motion to approve the Special Permit for 310 Railroad Avenue under Bylaw Section 5.4. Ms. Greenwell seconded the motion. A vote 5-0 was taken.

Mr. Eysie amended his motion to include language that the proposal can only be used as an inlaw apartment. Ms. Greenwell approved the amendment. A vote 5-0 was taken.

Case 21-16 – 42 Florence Avenue

Mr. Murphy read the legal notice into the record.

Marian McKettrick, Attorney for the applicant and homeowner, and Haydar Ali, applicant and homeowner, introduced the proposal to construct a new detached accessory structure. Attorney McKettrick described the first application that was closer to lot lines than the existing application, which has been revised since the first one was withdrawn without prejudice. Attorney McKettrick stated that the homeowners are in need of additional garage storage for personal and work related vehicles. She stated that the lot is much larger than required in the district. She described the limitations of the lot in its width and existing swimming pool. Attorney McKettrick stated that the existing garage does not store vehicles sufficiently and is in poor condition. She stated that no design could produce a compliant structure, but that the revised proposal requires less relief than the first design. She described the existing driveway as shared with the neighbor at 43 Florence Ave, who supports the proposal due to the proposed interior storage of vehicles. She stated that the expense of building a new garage is expensive, and the homeowners would not invest in the renovation for something that didn't meet their needs.

Attorney McKettrick submitted letters of support from homeowners at 49 Florence Ave, 44 Florence Ave, 46 Florence Ave, and 43 Florence Ave.

Mr. Ali described the limitations of vehicle storage in the shared space with 43 Florence Ave and his desire to be a good neighbor.

Attorney McKettrick stated that physical justification of the variance request is that the preexisting nonconforming lot is not as wide as what is required today and is well suited for the layout of the proposed structure. She stated that the existing shared driveway is a hardship to be mitigated or avoided. She further stated that the neighborhood safety would be improved without vehicles parked on the roadway. She stated that case law exists that allows the Board to consider safety concerns in its review of relief.

Mr. Murphy stated that his concern from the original application has not been addressed, although he appreciates the revisions that address the improvement to public good. He stated that the hardship does not connect to the land (soil, shape, topography). Mr. Murphy asked if an accessory structure could be designed without variance relief necessary. Attorney McKettrick stated that 24 is necessary for parking two cars side by side, and the pool would prohibit that. Mr. Murphy stated that a pool does not qualify; Attorney McKettrick stated that the pool was existing when the owners purchased the property.

Mr. Murphy stated that the variance standard is difficult to meet.

Mr. Eysie stated that although the revised plans demonstrate a lot of hard work by the applicant and his attorney, the variance threshold is high and must be consistently applied.

Mr. Murphy listed the requirements: problems with soil/shape/topography, hardship caused, public good in allowing the proposal. Mr. Murphy stated that there was now a positive finding on public good, and the hardship is closer, but there is no physical issue with the lot that meets the standard for a variance.

Mr. Eysie stated that the variance standard had not been fully met. Mr. Eysie asked if an attached garage was an option.

Ms. Daly asked if the pool qualifies as a structure. Mr. Murphy stated that he doesn't believe the case law supports that. Ms. Daly asked if it was worthwhile to consult with Town Counsel. Mr. Eysie stated that he doesn't believe the pool is considered a structure. Attorney McKettrick stated that she doesn't believe the pool qualifies as a structure.

Attorney McKettrick stated that the Board of Appeals could exercise more discretion on the variance request.

Mr. Ali summarized his desire to improve conditions for his neighbors and neighborhood.

Mr. Porro asked about the vehicles that needed to be stored, and confirmed that the storage of the commercial vehicles is allowable. Attorney McKettrick stated that one was allowed under the Bylaw.

Ms. Daly stated that the proposal would improve the neighborhood and that the preexisting conditions reasonably meet the standards for the variance.

Ms. Greenwell stated her concern with the size of the structure. She stated that for the current use, it may make sense, but long term it is not a typical or standard size for a residential garage in the neighborhood. She stated that she likes the idea of removing cars from the roadway. Mr. Ali responded that removing the cars from the street would improve safety for young kids who play in the neighborhood.

Mr. Eysie confirmed the 24'x42' size of the proposed garage. He said that he doesn't believe there are other garages of that size on Florence Ave. He affirmed his belief that if the proposal doesn't meet all three threshold requirements, then the Board must be consistent in applying those requirements.

Attorney McKettrick stated that a similar garage was constructed nearby with a Special Permit and asked why there was a difference. Mr. Eysie responded that the neighbor's decision was not before the Board.

Ms. Greenwell confirmed that two variances were being requested. Mr. Murphy confirmed the relief being requested.

Mr. Murphy opened the hearing to the public for comment. Hearing none, the Board closed the hearing.

Motion:

Mr. Porro made a motion to close the hearing. Ms. Daly seconded the motion. A vote of 5-0 was taken.

Mr. Murphy suggested continuing the hearing. Ms. Bouchard recommended keeping the hearing open.

The Board agreed to strike their vote to close the hearing.

Mr. Murphy asked the applicant to return to the Board with either a revised plan that would only require a Special Permit or with case law or additional information to address the first variance threshold requirement.

Motion:

Mr. Porro made a motion for continuance to August 3, 2021 at 7 pm at the Dick Keefe Studio at the Norwood Community Media office, Door 22, 245 Nichols Street. Ms. Daly seconded the motion. A vote of 5 to 0 was taken and the motion passed.

Approval of Meeting Minutes – April 20, 2021

Ms. Daly made a motion to approve the minutes for April 20, 2021. Ms. Greenwell seconded the motion. A vote of 5-0 was taken.

Approval of Meeting Minutes – June 1, 2021

Ms. Daly made a motion to approve the minutes for June 1, 2021. Ms. Greenwell seconded the motion. A vote of 4-0 was taken, with an abstention taken by Mr. Porro.

Administrative Updates

Ms. Bouchard updated the Board on various options for meeting space.

The Board discussed abutter list fees in response to a change in the administrative process required to generate certified abutter lists for applications.

Ms. Greenwell made motion to temporarily waive abutter list fees. Ms. Daly seconded the motion. A vote of 5-0 was taken and the motion passed.

Motion:

Ms. Daly made a motion to adjourn. Ms. Greenwell seconded the motion. A Vote of 5 to 0 was taken and the motion passed.