

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

August 3, 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.

Administrative Updates

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

Mr. Brian Almeida introduced his intent to request a continuance to September 7 due to difficulty organizing the applicant team.

Motion – MaryKate made motion to continue hearing to September 7 2021 at 7 pm at the senior center in Norwood. Al Porro seconded. Roll call vote, all in favor.

Case # 21-16 47 Florence Ave

Marion McKettrick, attorney for the applicant, submitted an additional letter to the Board for consideration. She reviewed the contents of the letter. She introduced a special permit awarded by the ZBA at 41 Florence Avenue for consideration. She described the swimming pool as a physical characteristic of the lot that creates a unique factor of the lot/structures on lot. She stated that they cannot comply with setback requirements because of the swimming pool.

Mr. Murphy asked her opinion of Section 5.3.3 [Variance Required], because he didn't believe she complied. She stated that she did not fully understand the bylaw and that it is up to the ZBA to interpret the bylaw.

Mr. Porro asked how much larger the proposed garage is to the original. Ms. McKettrick responded 300 sq. ft. vs 1100 sq. ft.

Mr. Eysie described his unique knowledge of the neighborhood as a street with majority turn of the century single family homes with single car garages. He discussed 41 Florence submitted as a precedent: he stated that the garage approved there was significantly shorter in its dimensions and smaller in square footage. Mr. Eysie stated that a garage that size does not fit into the neighborhood. Mr. Ali stated that the garage's length would not be visible from the street and that his immediate neighbor supports the proposal. The neighbor's garage was stated to be 24' by 32'.

Ms. Greenwell stated that the garage is too large for the neighborhood. There is public benefit for getting cars off the roadway could be achieved with a smaller garage.

Ms. Daly stated that the proposed use is modern but the standard is for an older home and neighborhood. Given intent with changes that have been made and discussions, she would be in support of this. Uses change over the years and the design changes have been made to satisfy the Board request.

Mr. Murphy stated that he believes the variance requirements have not been met. He stated that the Board reviews each case individually, so there isn't a precedent standard to follow. He stated that while he finds the garage to be outsized, his major reason not to support the application is failure to meet legal standards of the variance.

Attorney McKettrick stated her belief that there was inconsistency in how the variance was applied. She stated that the applicant would still need a side setback variance to construct a smaller garage.

Mr. Eysie stated that the application cannot be approved if variance criteria cannot be met.

Attorney McKettrick suggested a bylaw change that would allow for more variability in garage size under special permit going forward. Bylaw is too specific, setbacks are large, and other municipalities allow for more variation without negative result.

Mr. Ali stated that the situation with 7 cars between the two properties necessitates the garage, citing child safety.

With agreement from the homeowner, Attorney McKettrick submitted a request to withdraw the application without prejudice.

Motion – Mr. Eysie made a motion to grant leave without prejudice. Ms. Daly seconded the motion. Roll call vote 5-0 all in favor.

Case – 62 Fulton Street

Mr. Murphy read the legal notice into the record.

Mr. Charles Connors, applicant and homeowner, introduced the proposal to renovate the existing cape home to add a full second story. Square footage will be increased by 400 sq ft and gain headroom on the second floor. Home built in 1954 with few updates. Lot is nonconforming on frontage and lot area. Mr. Connors stated that the footprint would not increase.

Mr. Porro asked if the bedroom, bath would increase. Mr. Connors replied that the bedroom count would stay the same and the bath upstairs would be expanded to a full. He stated that he is comfortable with the proposal if the footprint is not proposed to change.

He asked if there have been any issues with water on the swale in the rear of the property. Mr. Connors stated about a month, but even with July rains, he did not observe issues.

Mr. Eysie stated that he is supportive of the renovation of the property and that it would be an asset to the neighborhood.

Ms. Daly agreed and stated that she was pleased to review an updated plot plan.

Ms. Greenwell stated that the renovation would be an improvement to the neighborhood.

Mr. Murphy noted that the request for variance was unnecessary.

Applicant indicated a request to withdraw request for variance. Motion made by Ms. Daly, seconded by Mr. Eysie. Roll call vote, all in favor.

Opened hearing to public for comment.

Richard Shay, 72 Fulton Street, stated that he is a neighbor and had conducted a similar renovation to their cape style home. He asked what kind of attic space would be constructed and would the roofline be consistent with the neighborhood. Mr. Connors replied that it would be consistent. Mr. Shay stated his support.

Hearing no further comment, Board moved to a motion.

Motion to approve special permit made by Ms. Daly, seconded by Mr. Eysie, roll call vote approved 5-0.

Case #21 – 19 – 30 Laurel Road

Mr. Murphy read the legal notice into the record.

Attorney David Hern Jr., representing applicants Caitlin and Peter Bowring, introduced the proposal to construct an addition to their single family home. He stated that the homeowners have been renovating and investing in the property and wish to expand the home for their family. The current structure is a cape style home and is situated on a nonconforming lot (area, frontage, width). He stated that this application requires a special permit under 5.4.4 and meets all special permit criteria. He further stated that the request was made for relief under 6.2.12 since the addition would reduce available parking to 2 vehicles.

If a variance were required, he stated that the lot is unique due to slope and dimensional requirements of the nonconforming lot.

He stated that neighbors are supportive.

Ms. Daly asked if there were elevations and plans available for review. Mr. Hern submitted them to review.

Mr. Porro stated that the property and landscaping looks very attractive. He stated that support from the neighbors factored into his support of the request.

Mr. Eysie asked about the structure in the rear of the lot; the homeowner responded that it was a garden shed. Mr. Eysie asked about the second floor, Mr. Bowring responded that the second floor would connect the existing and new structure.

Ms. Greenwell asked about additional habitable square footage. Mr. Bowring replied that existing 1050 sq ft, total after addition would be just under 2500 sq ft. Ms. Greenwell asked how they determined the new available motor vehicle square footage. Attorney Hern stated that the bituminous drive on the plan would not allow enough space for more than 2 vehicles. Ms. Greenwell stated that the proposal is in line with the neighborhood and special permit requirements.

Mr. Murphy stated his concern that the addition will be very close to the lot line, inclusive of the existing landscaping. He asked if immediate abutters were supportive and Mr. Bowring responded that they were. Mr. Murphy asked for their intent to store vehicles once they need more. Mr. Bowring stated that he is comfortable converting yard space to driveway when and if that is needed.

Opened hearing to public for comment.

Chuck and Kathy David, 45 Laurel Road, stated his support for the proposal, citing the homeowners history of investment in improving their property.

Ms. Bouchard read three letters of support from abutters into the record.

Motion to close the hearing made by Ms. Daly, seconded by Mr. Eysie, all in favor.

Motion made to approve special permit under 5.4.4 by Ms. Daly, seconded by Mr. Eysie, roll call vote all in favor.

Motion made to approve special permit under 6.1.12 by Ms. Daly, seconded by Mr. Eysie, roll call vote all in favor.

Attorney Hern entered a request to withdraw the request without prejudice for a variance. Motion made to grant leave without prejudice by Ms. Daly, seconded by Mr. Eysie, roll call vote, all in favor.

Approval of Meeting Minutes – May 4, 2021

Ms. Daly made a motion to approve the minutes for May 4, 2021. Mr. Eysie seconded the motion. A roll call vote of 5-0 was taken.

Approval of Meeting Minutes – July 6, 2021

Ms. Daly made a motion to approve the minutes for July 6, 2021. Mr. Eysie seconded the motion. A vote of 5-0 was taken.

Administrative Updates

Motion:

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