

ZONING BOARD OF APPEALS

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



ACTING DIRECTOR OF
COMMUNITY DEVELOPMENT

Sarah Dixon Bouchard

Hybrid Meeting Minutes
April 11, 2023

PRESENT:

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

Sarah Bouchard, Acting Director of Community Development, present
Emily Manning, Recording Secretary, remote

CALL TO ORDER:

The meeting was called to order at 7:03 P.M.

PUBLIC HEARINGS:

Case No: 23-02: Special Permit Extension, 973 University Avenue (continued from 2/21/23)

Ms. Churchill recused herself due to a conflict. Associate Member Paul Eysie sat in for Ms. Churchill.

The proponent was not present at the meeting, but a letter and check for peer review were received by the Community Development Department on April 11.

MOTION to continue the hearing to the May 9, 2023 meeting made by Mary Kate Daly.
Seconded by Paul Eysie.

Roll Call Vote:

Paul Eysie: **Yes**
Mary Kate Daly: **Yes**
Shannon Greenwell: **Yes**
Al Porro: **Yes**
Michael Sheehan: **Yes**

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

Case No: 23-07: Special Permit Modification, 862 Washington Street

The applicant was looking to remove the rental restriction from the previously approved special permit. The condo association was on board with the removal of the restriction. The applicant assured the board that the property would remain a safe place to live.

Richard Cody, neighbor of the applicant, stated that the residents do have a vote of over 75% from the condo association. They believed it would be in the residents' best interest to remove the rental restriction.

Mary Kate Daly asked if the applicant had any history of why the restriction was placed. The applicant stated that when the restriction was placed, the property was different, and new units have been put up. Ms. Daly wondered why the association wished to remove the rental restriction. The applicant stated that many of the residents are first time home buyers who were looking to keep their property and move to a larger home and have a second form of income.

One of the neighbors of the applicant, believed lifting the rental restriction would have beneficial economic impacts on the community. They also stated that the restriction limits them as property owners. They stressed it would remain a safe place to live.

Chairman Michael Sheehan pointed out that the condo association had 83% majority vote to remove the rental restriction.

Al Porro stated that he is against removing the rental restriction. He believed it was a small community that should remain intact.

Sarah Bouchard explained that she had spoken to Town Council in regards to this matter. She offered his opinion on the matter.

Paul Eysie, who was a direct abutter of the property and was not voting on this matter, stated that he was in favor of removing the restriction. He added that the members of the condo community have been great neighbors.

MOTION to close the public hearing made by Shannon Greenwell. Seconded by Mary Kate Daly.

Roll Call Vote:

Mary Kate Daly: **Yes**

Shannon Greenwell: **Yes**

Rachel Churchill: **Yes**

Al Porro: **Yes**

Michael Sheehan: Yes

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

MOTION to amend the Special Permit to remove Special Condition #5, removing the rental restriction from the property due to the condo association's approval of removing the restriction at 83% majority vote made by Shannon Greenwell. Seconded by Mary Kate Daly.

Roll Call Vote:

Mary Kate Daly: Yes

Shannon Greenwell: Yes

Rachel Churchill: Yes

Al Porro: No

Michael Sheehan: Yes

Result: 4-1-0 (Motion passed.)

Case No: 23-04: Variance, 9 High Street (continued from 3/14/23)

Steven David, attorney for the applicant, spoke on the request for the variance. The applicant was looking to add an addition to the home, as well as turn it into a two family, due to her daughter's growing family. The addition would exceed allowable square footage, which is why they are requesting the variance. It would also add a driveway on Lydon Street. Mr. David also spoke on the history of the neighborhood. Mr. David shared the proposed layout of the addition with the Board. The proposed addition would meet all other lot requirements.

Shannon Greenwell clarified whether this was a request for a variance or special permit, as there were applications for both. Mr. David stated this was a request for both a variance and a special permit. He also spoke on the shape, topography, and soil on the lot.

Jim Heath, abutter on Lydon Street, stated that there is a water issue on this property on the Lydon Street side that affects his property. He added that the lot is not flat, as Mr. David had stated.

Benny Petrillo, abutter on Fulton Street, pointed out the correct zoning of the property.

Lisa Edgley, abutter on High Street, stated that she was not on board with the proposed addition. She would not have any view with the addition, and was concerned for her privacy.

Ellen Naughton, abutter on High Street, pointed out that she once lived at the previous home on 9 High Street. She stated that many of the homes on High Street were built before zoning bylaws, and believed that the addition would overcrowd an already crowded neighborhood.

Ms. Bouchard added a list of eight signatures from abutters who were on board with the proposed addition, which was submitted by the applicant.

Mr. David offered responses to the concerned neighbors. He stated that if the variance were approved, the applicant would begin working with the DPW's engineering department to manage the stormwater drainage on the property. He pointed out that the property was zoned to allow two family homes. He stressed that the proposed addition would improve the natural occurrences on the property.

Al Porro believed that the density of the proposed addition would overcrowd the neighborhood. Mr. Sheehan wondered what the proposed percentage increase of the addition would be. The proposed addition would increase the square footage by 400%. Mr. Sheehan also questioned the driveway on Lydon Street. Mr. David stated that he had spoken to the Norwood DPW Director, who stated to him that the driveway on Lenox Street would be allowable.

Paulo Petrillo, abutter on Fulton Street, wondered why this could not be an in-law apartment as opposed to the large addition.

The applicant's daughter, who lives at the property, addressed their reasons for applying for the variance. They spoke with multiple departments within the Town, and found that the proposed addition was the best course of action to keep their family in the same home.

Ms. Bouchard pointed out that Norwood's zoning bylaws do not allow for in-law apartments.

MOTION to close the public hearing made by Mary Kate Daly. Seconded by Shannon Greenwell.

Roll Call Vote:

Mary Kate: Yes

Shannon Greenwell: Yes

Rachel Churchill: Yes

Al Porro: Yes

Michael Sheehan: Yes

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

The Board discussed their wishes in regards to this matter.

MOTION to **deny** the variance as presented in the application to convert a single-family dwelling into a two-family dwelling, due to issues related to shape, spoil, and topography, made by Shannon Greenwell. Seconded by Rachel Churchill.

Roll Call Vote:

Mary Kate Daly: Yes

Shannon Greenwell: Yes

Rachel Churchill: Yes

Al Porro: Yes

Michael Sheehan: Yes

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

MOTION to **deny** the special permit as presented, which was showing an addition that was over 25% of existing living space made by Shannon Greenwell. Seconded by Mary Kate Daly.

Roll Call Vote:

Mary Kate Daly: Yes

Shannon Greenwell: Yes

Rachel Churchill: Yes

Al Porro: Yes

Michael Sheehan: Yes

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

Case No: 23-08: Special Permit, 320 Lenox Street

Michael Robinson, applicant for 320 Lenox Street, was looking to add a first floor addition to the existing structure, which was already a non-conforming lot. The existing home is small, and the family was looking to add more living space, specifically a family room, for their special needs children who would not be leaving the home.

Al Porro wondered if the patio was on another lot, which the applicant confirmed. The neighbor approved the applicant to put the patio on their property. The proposed addition would be on the opposite side.

Maria Carchidi, the homeowner, added that the proposed addition could potentially serve as a first floor bedroom for her as she ages.

MOTION to close the public hearing made by Mary Kate Daly. Seconded by Shannon Greenwell.

Roll Call Vote:

Mary Kate Daly: Yes

Shannon Greenwell: Yes

Rachel Churchill: Yes

Al Porro: Yes

Michael Sheehan: Yes

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

MOTION to approve the special permit to increase the allowable area by over 25% made by Shannon Greenwell. Seconded by Mary Kate Daly.

Roll Call Vote:

Mary Kate Daly: Yes

Shannon Greenwell: Yes

Rachel Churchill: Yes

Al Porro: Yes

Michael Sheehan: Yes

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

Case No: 23-06: Special Permit, 41 Chapel Court

Mr. Porro recused himself from the meeting for being an abutter. Associate member Paul Eysie sat in on the hearing.

Brian Almeida, attorney for the applicant at 41 Chapel Court, spoke on the history of the lot with the Board. He stated that they were only applying for a permit under section 5.7.3. The project has been moved up the lot, and the applicant was requesting less nonconformity. The current structure is 113 years old, and the only way to benefit the lot would be to demolish and rebuild the home. The proposed new lot would improve the neighborhood and the community.

David O'Sullivan, architect on the property, explained the changes to the proposed new lot. The new home would be in the same spot as the existing home, and would be using the existing driveway. It would remain a single family home.

Rachel Churchill requested the applicant explain differences between plans dated November 2022 and March 2023.

Ms. Bouchard explained the setback requirements for the lot, and explained to the Board why the applicants were requesting the special permit.

Sean Morrow, abutter, questioned the setback on the proposed plans for the new home. Mr. Sheehan explained that the applicants were not before the Board for setbacks, rather for demolition and rebuilding, and that the proposed plans conformed to the zoning.

Cecilia O'Keefe, abutter, wondered if the new home would continue to be a rental home, which the owner confirmed. She asked the owner how the potential construction work would go. She also commented on the driveway, which drivers are using as a cut through. The applicant stated that they would provide a construction plan to the Building Department.

Ms. Bouchard read out a comment that was left in the chat in the Google Meet portion of the meeting.

MOTION to end the public hearing made by Mary Kate Daly. Seconded by Paul Eysie.

Roll Call Vote:

Paul Eysie: Yes

Mary Kate Daly: Yes

Shannon Greenwell: Yes

Rachel Churchill: Yes

Michael Sheehan: Yes

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

The Board discussed their wishes regarding this matter. Mr. Eysie stated that he would like the inclusion of a fence along the rear property line to be a condition of the motion.

MOTION to approve the special permit under Zoning Bylaw 5.7.3 with the following conditions; a fence be installed along the rear property line, if an impervious material is installed for a driveway, a berm be added for sewer drainage, and if required by the Building Inspector, a construction plan be approved made by Mary Kate Daly. Seconded by Paul Eysie.

Roll Call Vote:

Paul Eysie: Yes

Mary Kate Daly: Yes

Shannon Greenwell: Yes

Rachel Churchill: Yes

Michael Sheehan: Yes

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

OTHER BUSINESS:

Board Reorganization

Mr. Sheehan pointed out that Board reorganization would be continued to May.

Ms. Bouchard stated she would be sending out potential future meeting dates to the Board members.

UPCOMING MEETING: May 9, 2023

ADJOURNMENT:

MOTION to adjourn the meeting made by Shannon Greenwell. Seconded by Rachel Churchill.

Roll Call Vote:

Mary Kate: Yes

Shannon Greenwell: Yes

Rachel Churchill: Yes

Al Porro: Yes

Michael Sheehan: Yes

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

The meeting was adjourned at 9:02 P.M.

Minutes respectfully submitted by Emily Manning