

**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 Town Planner**

Sarah Dixon Bouchard

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**April 5, 2022**

**Norwood Senior Center**

**275 Prospect Street**

**Remote participation available at GoToMeeting**

**Minutes**

**Present:** Scott Murphy, Chair  
Shannon Greenwell  
Mary Kate Daly  
Michael Sheehan  
Al Porro  
Sarah Dixon Bouchard, Assistant Town Planner  
Mariam Marquetti, Town Legal Counsel

**Call to Order:** The meeting was called to order at 7:00 p.m. by the Chairman, Mr. Scott Murphy. All members of the Board were present at the Senior Center, members of the public attended on GoToMeeting.

**Public Hearings:**

**Case #22-04 83 Morse Street.**

Mr. David Hern is representing the owners of 83 Morse Street, where the Space Center is located. With Mr. Hern is Dave Depree a member of the group who owns the property and Angela Marengi who operates Little Bird Events, one of the shop owners who is looking to expand her specific enterprise.

Mr. Murphy reads the legal notice into the record.

Mr. Hern describes history of 83 Morse. It has original permits due to its zoning in manufacturing for fitness, storage, retail, and food service. They asked for more space than needed to allow for tenants to quickly sign up. The original permits established a 20,000 foot cap for modifications. The owners are required according to the 2016 decision to send a letter to ZBA letting them know about new tenants moving in and after even days, bearing no issues were

brought by ZBA the tenants would be approved. Little Bird Events brought a request in for a kitchen in 2017 and ZBA decided it was within scope of original special permit. The 2016 hearing was noticed and open meeting with abutters notified and the ZBA approved the kitchen. ZBA used to take three months, this condition circumvented that.

Ms. Angela Marengi introduces proposal to expand. The proposal will allow for multiple events to occur simultaneously, expand the kitchen, and distance guests well.

Mr. Dave DePree explains the business model at the Space Center has allowed NSC to meet needs of the market.

Ms. Daly thanks applicants for the information and asked what changed in square footage. Mr. DePree forgot to include Savage Angel expansion.

Mr. Sheehan states the process usually includes a building inspector. Condition is unnecessary. I is official for zoning compliance. Mr. Murphy states the process is arcane. Mr. Sheehan proposes striking 8F or 8 appendix.

Ms. Marquetti states the procedural perspective specifically that the 7 day expedited decision is okay for minor things, major ones need notice. The ZBA has the discretion to decide major and minor things, subject to reasonableness in court. Mr. Murphy asks about the Building Inspector process. Ms. Marquetti states that they can insert 'only applicable to minor modifications.' Mr. Sheehan states that Building Inspector is the one to make that decision. Mr. DePree asks if they should ask Building Inspector.

Mr. Hern states that no current use is allowed, that they are only permitted 20,000 feet per category. This is in reference to 2016 correspondence with Rawanda, not Town Counsel. ZBA gets to decide major and minor things in this case. Mr. DePree states adding retail space.

Mr. Porro states the expansion has gone well and he has no objection to Little Bird.

Ms. Greenwell states there was not enough information with original request and there is a need for the opportunity to discuss things as a group.

Mr. Murphy asks if the public has any comments or questions. One local resident comments the request seems clear and valid.

Mr. Sheehan is in favor of expansion, he states the condition is necessary and the Building Inspector should be making determination.

Mr. Murphy states the board wanted control originally when the decision was made, but the current ZBA does not. Mr Hern states that the NSC was new in 2016.

**Motion:**

Mr. Sheehan makes a motion to close the hearing. Ms. Daly seconds the motion. A vote was held and the motion carried 5-0.

**Motion:**

Mr. Sheehan made a motion to approve request for modification. Ms. Daly seconded the motion. A vote was held and the motion carried 5-0.

**Continued Discussion:**

Motion to amend original permit to condition 8 be stricken, the last page was not identified by letter. Ms. Marquetti states ZBA can remove condition. Mr. Murphy agrees with Mr. Sheehan. Mr. Hern states the abdication of condition 8 identifies specific uses and allows other uses, with the potential to have an unintentional impact being it disallows other uses.

Mr. Murphy states going to the ZBA in those cases will happen anyway. Ms. Marquetti states that constructive approval is a risk, as the area between major and minor things is grey. Mr. Sheehan states the Building Inspector would still make that decision.

**Motion**

Motion to strike the last two paragraphs of section 8 is stricken. Ms. Greenwell seconds the motion. Vote passes unanimously 5-0.

**Case #22-05 386 Winter Street**

Mr. Murphy reads the legal notice into the record.

Colm Molloy, property owner and applicant, introduced his request for a special permit to increase the building height. He submitted a copy of his comments to the Board for the record.

Mr. Murphy opened the hearing up to the public for comment. Hearing none, the Board moved to discussion.

**Motion:**

Ms. Daly made a motion to close the hearing. Ms. Greenwell seconded the motion. A vote was held and the motion carried 5-0.

Mr. Sheehan described his concerns over drainage on the property, and whether the new pitch roof will direct stormwater toward neighbors and cause detriment. He suggested a condition that the Building Department or DPW approve the drainage plan to avoid water on abutting properties.

**Motion:**

Mr. Sheehan made a motion to approve the special permit as submitted on the condition that the applicant provide a stormwater drainage plan to be reviewed by DPW. Ms. Greenwell seconded the motion. A vote was held and the motion carried 5-0.

### **Case #22-06 99 Day Street #2**

Mr. Murphy read the legal notice into the record.

Mr. Hern, representing the owners of the condo, introduced himself and the homeowner. He described the existing structures on the property as pre-dating zoning, with a primary structure and a carriage house. He stated it was recently converted into a two unit condo, with the current owner purchasing the unit before the Building Department identified the zoning relief needed. The Bylaw requires a common wall of 12 feet wide in order to connect the two units, and the applicant proposes to enclose a connecting walkway with a common wall of 8 feet instead of the required 12. Mr. Hern stated that 12 feet would block the needed egress point and create a safety hazard.

Ms. Daly asked about the history of construction. Mr. Hern replied that without the relief, the carriage house is not a legally habitable unit and the kitchen appliances were removed to comply with the bylaw.

Mr. Sheehan asked what the emergency ingress and egress is from the breezeway. Mr. Hern replied that a door would be provided on the breezeway to provide egress.

Ms. Greenwell clarified that the breezeway would be one story. Mr. Hern confirmed.

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

Philip Eramo, 99 Day Street Unit 1, stated his support for the proposal as the other condo owner/

Hearing no further comment from the public, Mr. Murphy invited a motion to close the hearing.

#### **Motion:**

Ms. Daly made a motion to close the hearing. Ms. Greenwell seconded the motion. A vote was held and the motion carried 5-0.

#### **Motion:**

Mr. Sheehan made a motion to approve the request for a variance from the dimensional requirement of 20 feet for the common wall, conditioned upon compliance with all safety requirements set forth from Building and Fire Departments. Ms. Greenwell seconded the motion. A vote was held and the motion carried 5-0.

### **Case #22-07 42 Mountain Avenue**

Mr. Murphy read a request to withdraw the application submitted by the applicant.

**Motion:**

Ms. Greenwell made a motion to approve a request to withdraw the application without prejudice. Ms. Daly seconded the motion. A vote was held and the motion carried 5-0.

**Case #22-08 1223 Washington Street**

Mr. Murphy read the legal notice into the record.

Mr. Hern, representing the applicant, introduced himself and Matt McDonald, the developer. Mr. Hern stated that Mr. McDonald was under a purchase and sales agreement for the property located at the corner of Concord and Washington. He described the parcel as vacant and overgrown. The proposal to construct 6 one bedroom units and 6 two bedroom units was reviewed, with 16 parking spaces out of 24 required spaces provided. He described the request for relief on density, as the zoning for the property would currently only allow a single family home to be constructed on the parcel, despite multifamily housing being a permitted use by Special Permit. He stated that the bylaw then precludes development of the parcel without relief. He stated that the proposed use would be appropriate due to consistency with adjacent density in the neighborhood as well as a regional need for more housing. Mr. Hern stated that the transit options available to the space support the request for relief on the parking spaces. He addressed the variance criteria for the density by stating that the parcel is unique in that it is the only undeveloped parcel of its size along Washington Street. He stated that vacant undevelopable land is a hardship to the owners and the community. He stated that there would be no detriment to the public good and no traffic or parking circulation issues would arise. He stated that the intent of the bylaw would be preserved by providing development that was consistent with the area. He described the proposal as adding value to the community.

Ms. Daly asked what the proposed square footage would be. Mr. McDonald stated that each floor would be over 4K square feet, with the aggregate of the building at 12K square feet. Mr. Hern stated relief on floor area ratio would be needed. Ms. Daly asked about the soil, shape and size of the lot, and whether the lot was unique. Mr. Hern replied that none exist and the vacancy is the uniqueness of the lot.

Mr. Sheehan asked if the proposal met minimum rear yard requirements. Mr. Hern replied that the lot is a corner lot. Mr. Sheehan asked about total height. Mr. McDonald stated that the conceptual plan doesn't show final height. Mr. Sheehan stated his preference to receive floor plans and elevations when making a review, and stated he did not have enough information to make a vote.

Mr. Sheehan asked about affordability. Mr. McDonald stated that the units would be priced at moderate market rents with no deed restrictions. Mr. Hern stated they would be willing to entertain conditions.

Mr. Porro asked how far down Concord Avenue the curb cut would be. Mr. Hern referred to the site plan. Mr. Porro stated his preference not to block traffic onto Washington Street.

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

Debbie Holmwood, 49 Beech Street, stated her support for additional housing and asked about the proposal's underground parking, affordable units and potential for first floor commercial. Mr. Hern replied that there are vacant storefronts throughout the area and that the demand does not support more commercial. He also responded that first floor parking would increase the height of the building. Ms. Holmwood stated that approval of proposed height at this stage of review would be transparent.

Tony Laham, 1199 Washington Street, stated his opposition to the project, citing the amount of relief requested and the density for the size of the lot.

Jim Rossetsky, 15 Alandale, stated his opposition to the project, citing concerns about flooding and density.

Yevgeniy Kolodenker, 64 Concord Ave, stated his opposition to the project, citing concerns about traffic on Concord Ave.

Patty Bailey, 34 Saint John St, stated her concern about the number of units and her preference to reduce to 6 units.

Mr. Hern responded by saying that Concord is a residential zone whereas the parcel is business. He stated that the property owner can limit the number of cars for tenants, controlling traffic and circulation concerns, and that the high cost of land sets the minimum number of units for a project. He stated that on Site Plan review by Planning Board, conditions can be made to require appropriate drainage.

Mr. Murphy stated that he would not approve the plan as-is. He stated that the shape of the lot doesn't meet variance requirements and does not support the density request. He further stated a desire to see building height on the plans.

Ms. Daly agreed and stated concerns about size and density.

Mr. Sheehan requested plans showing FAR and building height. He stated that housing is the best option for the site and would like to see at least one unit set aside for affordability. He agreed that the transit line reduced the need for parking spaces.

Mr. Porro stated that he is okay with 12 units and does not see any gain to reducing unit count. He stated that the project would raise property values. He stated that the applicant should provide building height information.

Ms. Greenwell stated that she supports the use and parking requests. She would like to see floor plans and elevations, and discuss a potential reduction of units.

Hearing no further comment from the public, Mr. Murphy requested a motion.

**Motion:**

Ms. Daly made a motion to continue the hearing to May 3 at 7 pm at the Sr Center and remotely. Mr. Sheehan seconded the motion. A vote was held and the motion carried 5-0.

**Other Updates-**

Ms. Bouchard discussed efforts to solicit interest and appoint a new ZBA member.

Mr. Murphy discussed the need to reorganize the Board due to Mr. Murphy's expiring term.

**Motion:**

Ms. Daly made a motion to select Mr. Sheehan as Chair of the Board. Ms. Greenwell seconded the motion. A vote was held and the motion carried 5-0.

The Board thanked Mr. Murphy for his years of service as a ZBA member and Chair.

**Adjournment**

**Motion:**

Ms. Daly made a motion to adjourn. Mr. Porro seconded the motion. A vote was held and the motion passed 5-0.

The meeting adjourned at approximately 8:05 p.m.