

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 Town Planner

Sarah Dixon Bouchard

June 7, 2022

Norwood Senior Center

275 Prospect Street

Remote participation available at GoToMeeting

Minutes

Present: Michael Sheehan, Chair
Benjamin Beutel
Shannon Greenwell
Mary Kate Daly
Al Porro
Paul Halkiotis, AICP

Call to Order: The meeting was called to order at 7:00 p.m. by the Chair, Mr. Michael Sheehan. Mr. Sheehan explained the procedure of ZBA meetings.

Public Hearings:

Case #22-08 1223 Washington Street, Continued from 5.3.2022

Attorney David Hern, representative for the applicant, summarized the proposal to purchase the property and develop on the site a multi-family building that would have 12 units (6 one-bedroom units and 6 two-bedroom units). Three of the units would be affordable housing units, with one unit that will be handicapped accessible. The applicant proposed 16 parking spaces behind the building, instead of the normal 24. Attorney Hern stated that the property does not create any utility issues or adverse environmental conditions and would generate significantly more tax revenue. He described an information session held on the previous Wednesday night at Conrad's with all abutters and Town Meeting members invited from that area.

Mr. Sheehan asked to clarify the relief for the special permit. Mr. Hern stated it is multifamily dwelling use of the property and a special permit with respect to relief from the normal parking requirements under the zoning bylaw.

Mr. Sheehan asked for clarification of the variance. Mr. Hern stated it has to do with the size of the lot, the floor area ratio, and elevation.

Ms. Daly asked about reductions in units and if there was a reason there was no reduction. Mr. Hern responded that with a three-story building there would be an elevator, so they prefer to have the 12 units as they think it is an appropriate number for that spot. Ms. Daly asked if the affordable units are in perpetuity and Mr. Hern responded yes.

Ms. Greenwell asked with granting a multi-family special permit is that still feasible with setbacks without asking for the additional variances on the lot. Mr. Hern said no, they need the variances. Ms. Greenwell asked what the highest elevation is. Mr. McDonald responded the highest is 40ft to the peak and the living area itself is 10 feet a story. Mr. Hern added that the architects have put in the roof areas to make it more attractive versus a flat roof.

Mr. Porro asked if initially there were going to be 16-18 units but is comfortable with the 12 units and stated the building plan looks attractive.

Mr. Beutel stated that when walking by the property today there were 2-3 cars in the lot and his concern is that if the building and parking lot goes ahead as proposed it would be inherently increasing parking demand in the area as it would be displacing the cars that currently park in the lot and was wondering if there was any consideration of the overall parking in the area. Mr. Hern responded that Washington is a busy street and main thorough fair and that that cars currently parked in the lot do not really belong there, and he gives no considerable consideration to them. Mr. McDonald added that parking is a concern, and they need to make sure they are thoughtful about it, but when he often drives by the property and there are cars parked there is often parking spots available on Washington Street. He also stated that each lease will include an assigned space.

Mr. Porro asked Mr. McDonald if the company he works with has any property currently in Norwood. Mr. McDonald responded yes, they do, citing four buildings down on Winter Street.

Mr. Sheehan opened the meeting up to public comment.

Mr. Patrick McBride, 88 Concord Avenue, stated his main concern is around parking and congestion issues on Concord Ave. He stated that the area is currently designated as general business, which better fits the surrounding area and its demand. Mr. McBride referenced specific bylaws, stating that the proposed plan would bring a substantial detriment to the neighborhood in his opinion. He stated his other issue is the visibility pulling out already of Concord Avenue and if more cars are added it will make the existing problem worse. He stated there are over 100 available apartments in the area that are closer to the MBTA. He asked if the board is willing to make an exception to this property what is to say they will not knock down other houses in the area to increase money.

Mr. Robert Lamberti, 59 Hill Street virtually stated his concern about the impact this would have for the Coakley Middle School as it is already congested in the morning and afternoon. His concern was that adding a bunch of apartments even though there is restricted parking does not

prevent guests and family gatherings. Mr. Lamberti also stated during construction as they are proposing to do the construction during school times how will that work as there are two schools on the street.

Ms. Barbara Potter, 94 Concord Avenue asked if there were 324 apartments approved to be developed at the April Planning Board meeting. Mr. Sheehan responded no, Mr. Halkiotis stated that at a special Town Meeting there some apartments approved, Mr. Sheehan stated that is not what is before us. Ms. Potter stated pulling onto Washington Street is a nightmare and with more people there will be more FedEx and Amazon traffic and if the driveway to the property is on Concord Ave that affects the street. Referring to environmental impacts, Ms. Potter referenced an abutters concern with flooding and hopes that is addressed. Ms. Potter stated it appears on the plan that the parking appears to be 5 feet from a residential property, which is closer than the 30 feet usually approved. Ms. Potter asked what the snow removal plan is. Mr. Potter asked if there is no overnight parking on the street in the Winter where will their guests park.

Mr. Sheehan stated he also had snow removal as a question.

Ms. Barbara Gallo, 60 Concord Avenue stated that the building is lovely but needs to be much smaller. Ms. Gallo stated she has lived there her whole life and the parking and traffic is going to be a nightmare. She asked Mr. Hern if there could be another opening on Washington Street, as Concord Avenue is a dead-end street. She asked where the cars are going to go when the snow is being removed. She also asked how a firetruck or ambulance will back out, if she must call for an ambulance with her daughter would the ambulance be able to get by. Ms. Greenwell asked what Ms. Gallo means by smaller and she stated the footprint.

Ms. Patty Bailey, 34 St John Avenue is also a District 6 Town Meeting member. She stated there was a two-family house on that property that was torn down in the 70s. She stated one comes before the Board with a hardship but not about a development.

Ms. Carol Sabadini, 53 Concord Avenue, stated that she walks a lot and advised the Board to try to walk out of Concord Street and cross Washington Street- stating that the beauty salon is one story high and one story wide and you cannot see around it. She stated there will be a fatality due to the fact you will not be able to see around a three story plus a roof building. She stated also that the reason people illegally park there is there is not often a lot of empty parking spots. She stated it is not a trash heap and would volunteer to pick up trash if it is left undeveloped.

Ms. Danielle Tinlin, 14 Concord Avenue, she stated she has lived there for 30 years, and her main concern is the crosswalk in front of the salon, as people park in the crosswalk, and it is impossible to see at all coming out of Concord Street. Another concern she stated is that it's a dead-end road and cars come down to turn around in her driveway often and kids are on bikes with unwanted traffic it can be difficult. She stated she pushed for Dead End sign on the street because so many people were turning around.

Ms. Christine Snow 88 Concord Avenue, stated whenever there is delivery, they must go all the way to the end of the street and turn around, so that if there were 12 new residents there would be more large trucks yearly turning around. Ms. Snow is also concerned with where a building

project this large will store their materials, and how are they not going to block the street during construction. She also stated it is a huge detriment to reduce the parking by a third, not just for visitors but also for plumbers, building maintenance, etc. Ms. Snow stated there is a strong community on their street and is the reason they picked the street, and she hopes there will be a way to preserve the community feel.

Mr. Eugene Kolodenker, 64 Concord Avenue stated that one variance he believes is missing is that there needs to be 28 feet for parking spaces, where in the plans there are only 25 feet which complicates snow removal. He stated with all the variances there are 70% of the bylaws being ignored for this structure. He stated the same point was brought up in 2018 and residents objected to it, noting that there is no hardship, and the taxes are miniscule on it. He stated the 8 points when looking at variants- the community does not want it, and they are moving the 5th grade from the Balch because it is so crowded so this would contribute to that. The middle school start time is moving to 8:40 which is the same time the commuter rail train leaves which would make it very difficult to make that train. He stated no greenery is being added to the neighborhood.

Mr. Larry Sabidino, 53 Concord Avenue stated the whole thing can come down to magnitude and the lot is fit for one single family house. He stated the parking is not going to work.

Mr. Antoine Boutros, 82 Concord Avenue stated his neighbors have stated everything that needs to be said and reiterates its importance.

Ms. Barbara Potter, 94 Concord Avenue comes back up and stated the side yard is only 5 feet from the property line as it concerns her due to the fact of a fire, due to the fact it could easily spread to the older building next to it.

Mr. Sheehan stated this will not be approved without fire department approval. He stated he will speak to the Police Chief tomorrow about the issues of double parking down on Concord Avenue that exists already. Mr. Sheehan stated their purview is to look at the variances according to the law, and that greenery would be addressed at the Planning Board meeting.

Mr. Hern stated a few people have mentioned concerns about what happens when you build a building, which will be temporary disruption in the neighborhood regardless of the size of the building. Mr. Sheehan stated there will also be a pre-construction plan filed with the Building Department. Mr. Hern stated there could be a business put in the lot which according to studies would show that commercial uses generate more traffic than residential use. Mr. Hern addressed the proposal of the driveway out to Washington Street which would just create additional traffic in the neighborhood, stated his client knows how to remove snow from a property and would give a snow removal plan to the Building and ZBA. Mr. Hern stated having people overnight in terms of parking would have to be something they figure out on their own. Mr. Sheehan asked if they would consider putting a no right turn sign on their property and Mr. Hern and Mr. McDonald state, they would be open to that and that the parking spots will be the correct size. Mr. Hern stated trucks would park on the property and the building would not have tenants moving in and out of constantly. Mr. Hern asked what people think should be there, as leaving it vacant is not a rational approach and developing with a single-family dwelling does not keep

with the neighborhood, also highlights his client does not own the property, and that this would have less congestion than commercial use. The plan calls for underground galleys which will catch the stormwater on the site so flooding will not be an issue.

Mr. McDonald stated he hears and understands the parking concerns and is open to thoughts and suggestions from members of the community.

Ms. Greenwell asked if there are opportunities for funding to be provided from the developers to the town to create a pedestrian beacon or something similar. Mr. Hern stated they would be open to that but does not know if the town would be interested in that.

Mr. Porro stated that the group of things mentioned this session should be brought to the Chief of Police's attention as Mr. Sheehan stated.

Mr. Beutel asked if the current 16 parking spots will be permitted to residents or if there will be visitor spots. Mr. McDonald stated each of the 12 units will get one parking spot and there will be a handicapped spot, he is not going to allocate visitor spots until he understands what the number of visit spots is required but there will be at least one.

Mr. Hern stated there is parking on Concord Avenue next to the property and Washington Street.

Mr. Sheehan stated that he appreciates there was an addition of handicapped and affordable housing units. He asked if there is any consideration on reducing the units or adding more handicapped units. Mr. McDonald stated he would like to make the building an elevator building and the size of the building is about as small as it could be to make that make sense. He asked if there is any interest in changing the number of one bedroom versus two bedroom units and Mr. McDonald responded they are open to that. Ms. Greenwell stated if there is a reduction in units that will assist the amount of variants needed by reducing the footprint. Mr. McDonald stated pushing off from Washington Street would complicate things.

Mr. Sheehan stated he has asked them to look at more one bedrooms instead of two and the pedestrian light as well as keeping the affordable and handicapped unit.

Mr. McDonald restated what Mr. Sheehan has proposed and agrees to go back and look at the options. Mr. Sheehan suggests a calming device where the stop sign would be to prevent people from flying onto Concord Street.

Mr. McDonald stated that the timeline of a revised plan would be able to be continued to June 21st, adding an additional hearing which would be open.

Mr. Hern asked if people have comments the developer and himself are open to hearing them. Mr. Sheehan stated that most of the comments were shared tonight.

A member of the public asked if they will be given the plans of the meeting and Mr. Sheehan responded that they can reach out to Ms. Bouchard and get them the same time the board gets them. Another member of the public asked if there are often this many people at meetings

objecting to a ZBA proposal, Mr. Sheehan responded yes and the member of the public stated he has not seen this many people in the last 7-8 meetings he has watched. The same member of the public asked when the last time was the ZBA has said no to Mr. Hern and Mr. Sheehan stated that is an inappropriate question.

Motion:

Ms. Daly moved to continue the hearing until June 21st. Ms. Greenwell seconded the motion; the motion passes unanimously 5-0.

Case #22-10 137-139 Edgehill Road , Continued from 5/3/2022
6/2/2022 Request to withdraw without prejudice, 22-10, 137-139 Edgehill Road

Mr. Sheehan read the legal notice into the record.

Mr. David Hern is the representative. Mr. Hern has requested a withdrawal without prejudice, the part of the deck that was over the line has been removed and the applicant has hired a new contractor working with the building department.

Case #22-11 89 Wilson Street

Mr. Sheehan read the legal notice into the record.

The applicant, Mr. Ryan Rourke Reed is here with his husband. Mr. Rourke describes his application.

Mr. Sheehan confirmed they have received the plan.

Mr. Porro asked how close the residents are on either side. Mr. Rourke responded the closest point to the neighbors lot is 10.2 feet, and the neighbors property is 45 feet from the property line, and the other building on the property is 3 feet from the property line.

Mr. Porro stated the plan appears to be bringing the addition 10 feet closer to the sewer easement and asked if there is anyway to get around that. Mr. Rourke stated they might be able to reconfigure the deck portion of the addition but not much else based on the characterization of the lot.

Ms. Greenwell has no questions or issues.

Ms. Daly stated her questions were answered.

Mr. Sheehan asked if presently the basement entry is on the back of the house. Mr. Rourke stated that the plan is mislabeled, and the labeled basement entry is the entry to the first floor. Mr.

Sheehan agrees with Mr. Porro about the easement and encourages the applicant to make sure nothing is built on it.

Mr. Sheehan stated the increase on the house is 40%.

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

Motion:

Ms. Daly made a motion to accept the special permit as proposed. Ms. Greenwell seconded the motion. A vote was held and the motion carried 5-0.

Case #22-12 42 Mountain Avenue

Mr. Sheehan read the legal notice into the record.

The counsel for the applicant Jeff Digino is on GoToMeeting virtually. Mr. Digino summarizes the applicants request, specifically to put an apartment in the attic that would expand it from a single to two family dwelling to provide a living space for their 20-year-old daughter. There will be no external changes to the dwelling, but will just be adding a one bedroom, bathroom, and kitchen. They have driveway spots for 3 cars and another parking space available in a garage. There will be no environmental impact.

Mr. Sheehan asked if the family would like to address the board. The daughter of the applicant, Angela Sharra comes before the Board and stated that this proposal is economically good for her family as she can commute to Boston College and save money on dorm living.

Ms. Daly asked what the square footage is that is being added to the third floor. Mr. Digino stated it is 675 square feet.

Ms. Greenwell asked what the access will be and if the primary entrance will be through an external back staircase. Mr. Digino stated it will be able to accessed from the front stairwells as the rear emergency address will not be primary. Ms. Greenwell asked if parking would also have to be specially permitted. Mr. Halkiotis stated that it is based on the number of bedrooms and that there would need to be additional parking spaces that are added, but there are 4 right now. Ms. Greenwell asked if the daughter already lives at home which she does.

Mr. Porro does not like it, due to the fact if it were granted it would continue with the property forever and the current residents will not be around forever due to the size of the lot.

Mr. Beutel asked if it will become multifamily with 2 or 3 distinct units and Mr. Halkiotis responded 3 distinct units would be multi family. He asked if there will be additional space added/clarification on the amount of space being used.

A resident who is related to the family stated his support for the project as it is important for his niece to stay with the family.

Mr. Brian McDonough stated he owns the property on 40 Mountain Avenue as a two- family and stated that the lot size being discussed is significantly less. He stated that parking would require all four cars to be directly behind one another which is fine when the daughter is living there but if new tenants come into the units, it will create arguments regarding car arrangement. Mr. McDonough also stated that there will now be three full baths in the house which could then be easily changed into a 3-family house which he has a concern with. He supports the daughter but if she decides to move out it would lead to very limited parking and rental property issues.

Mr. Rob Liberty lives on 59 Hill Street, but his backyard is at 44 Mountain Avenue, and he is in support of what the applicants want to do. He stated that there is already a porch on the second floor and the family is hardworking and good for the neighborhood.

Ellen Hennigan, 41 Mountain Avenue is here to support the family and does not see a problem, as even if the girl did move on it will not be a problem.

Ms. Alrina Sharra, 31 Whitewood Circle stated that parking would not be any more of an issue since the daughter already lives in the house.

Mr. Joseph Checcu lives on 37 Mountain Avenue supports the project.

Ms. Linda Aspinwall stated her backyard is against their backyard and that the family as an immigrant family who stays together. Ms. Aspinwall also stated their driveway is long enough.

Mr. Sheehan stated that a few months ago there was an application for the stairwell, and it was already built when Mr. Sheehan went by the property today. The variance application was withdrawn with consultation of the board staff that a different variant was needed, Mr. Digino does not know of anything being built.

Mr. Halkiotis stated that with his interpretation the footnote stated that for the lot to be changed to a two family it does not meet those requirements, and it appears it is not allowed as it does not meet the basic criteria for conversion.

Mr. Digino agrees it does not meet those requirements for conversion. He stated the request is relevant to a different bylaw- 5.4.4, that allows them to get a special permit with the Board. He summarizes why the Board could approve this proposal as it is not substantially detrimental.

Mr. Beutel asked for clarification on the proposal. Mr. Sheehan stated that it is a very small lot, and it is asking a lot and Mr. Beutel stated they have to be conscious that the family will not own the building forever, ultimately making the question whether it is detrimental to the neighborhood. Mr. Sheehan stated that when the house is sold it will be sold as a two family and they will not be family members.

Mr. Greenwell stated that it is not an ideal configuration but not liking the configuration is not a reason to not approve it and that the size of the attic is not so large that it would be a large increase to the level of tenants, as it is only 600 square feet. Mr. Beutel agrees.

Ms. Daly stated that thinking through the lot size when it was built versus how zoning is set up now makes the decision to approve it easier. Ms. Greenwell stated that it is also not in an exclusively single family neighborhood.

Motion:

Ms. Greenwell motioned to approve the special permit as presented. Ms. Daly seconded the motion. The motion to approve failed as the Committee votes 3-2 and the motion required 4 votes to approve it.

A member of the public asked a question.

Motion

Ms. Greenwell made a motion to close the hearing. Ms. Daly seconded the motion. The vote passed unanimously.

Adjournment

Motion:

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

The meeting adjourned at approximately 9:41 p.m.