

**ZONING BOARD OF APPEALS**

THOMAS BRADY, CHAIRMAN  
PATRICK J. MULVEHILL  
PHILIP W. RILEY  
JOHN R. PERRY  
SCOTT MURPHY



RECORDING SECRETARY  
LORI MCLELLAN

**March 2, 2021**

**Minutes**

**Present:**      **Thomas Brady, Chairman**  
                  **Patrick J. Mulvehill**  
                  **Philip W. Riley**  
                  **John R. Perry**  
                  **Scott Murphy**

Please note the March 2, 2021, was held remotely using GoToMeeting software. The virtual Zoning Board of Appeals meeting was conducted remotely pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L.c. 30A & 18, and the Governor's March 15th Executive Order imposing strict limitations on the number of people that may gather in one place. Although no in-person attendance of members of the public occurred, the town of Norwood made every effort to ensure the public can access the proceedings in real-time via technological means.

The meeting was called to order by Chairman Thomas Brady.

**7:15 PM Case #21-02 47 Florence Avenue Garage**

Sitting on the hearing were Thomas Brady, Patrick J. Mulvehill, Philip W. Riley, Scott Murphy, and John Perry.

The applicant is Haydar.

The property is located at 47 Florence Avenue – New Garage.

Chairman Brady reported that this application requests a variance to allow the following:

1. New garage to be 2.1 feet from the right side of the lot line rather than 15 feet;
2. New garage to have a growth floor area of 908.54 square feet rather than 600 square feet;
3. New garage to have a roof height of 18 feet 8 inches rather than 15 feet.

All dimensions from Section 4.1.2.6 of the zoning bylaws pursuant to Section s.4.1.2.6 and plans are on file with this application and can be requested by email or by calling 781-762-1240.

Ms. McEtrick the lawyer for the applicant Haydar Ali reported that he lives with his family at 47 Florence Avenue and the application is for a new garage, there is an existing garage which is smaller it is too small for his vehicles. It is larger than you allow and the reason it is larger because it has to hold three vehicles, an SUV and two trucks. Ms. McEtrick also informed the Board that this driveway shares a driveway with the adjacent lot and it is important that each

driveway be kept clear so that each homeowner can get in and out of their respective driveways. Mr. Haydar would like to park his vehicles in the garage on the back of the lot where they will be out of sight, off the street, and they will be off the driveway. The plans show that existing garage is set back but it is much smaller and in order to enlarge the building the building has been moved over to the right and slightly extended to the rear and extended somewhat to the front and it exceeds the footprint that is allowed by the bylaw. The architectural concept of the garage looks attractive. Allowing the garage to be 3 feet higher than is normally allowed gives the roof a little more of an angle and is fitting with the Victorian house. Mr. Ali has spoken with the neighbor on the right and he will address that.

Mr. Ali reported that he spoke with Michael Delaney and he is in favor of the garage because it will allow Mr. Ali to park his trucks inside he has four vehicles and is hoping to be able to get his cars on the driveway because his garage is not big enough and he has four vehicles and he is hoping to get some of his cars into his garage so if Mr. Ali parks his truck it would block the driveway for Mr. Delaney's use. Mr. Delaney won't be able to access it easily. When he spoke with him he had no problem with it and said he was even willing to write a letter. He also spoke with the neighbor on the right and she was very happy to see an improvement to the garage because the garage that is there now looks out of place.

Mr. Brady opened up the meeting for some questions from the Board.

Mr. Murphy asked Attorney McEttrick what grounds they would give a variance on based upon the conditions that they have to find to get a variance.

Ms. McEttrick responded by saying that the standard for the variance is related to the lot and that's why she chose to focus on the shared driveway which is unusual circumstance and it is important to be able to accommodate all of the vehicles in the back of the lot and out of the way of the driveway and three vehicles don't fit in the existing garage. This house was built in 1916 and the garage was not designed for the size of the vehicles that we have today and it's just not big enough for any of the cars.

Mr. Murphy responded by saying that the lot is rectangular shaped whether there is a shared driveway or not. There is nothing in shape or topography that would allow for a variance.

Ms. McEttrick said that she considered the shared driveway to be a condition of the lot. That would be the primary reason for this application.

Mr. Murphy responded that even if they could find some conditions in order to issue a variance the set back is now 2.1 feet instead of 15 feet and based upon the size of the lot and the conditions he doesn't believe that they can issue a variance.

Ms. McEttrick responded by saying that is absolutely correct, that is the measurement, but that side lot line where that garage is going to be is also the side lot line of the neighbor's garage so it would not be intrusive on the neighbor's yard or limit anything because his garage is already there and on the lot line as far as she could tell.

Mr. Mulvehill stated that they are creating non-conformity with slim to no grounds for any of the perimeters that are needed to meet in order to grant a variance. He also stated that you must give at least 50% of the bylaw and in this case they are not even coming close.

Mr. Ali responded by saying it is just to create space for the neighbors cars to fit in because in the winter they cannot park on the street.

Mr. Mullvehill responded by saying don't do a garage just do a driveway, extend the driveway. Mr. Mullvehill's point is that he is trying to protect the bylaws to avoid a 2 foot variance where 15 feet is required.

Mr. Riley said that he sees nothing with shape or topography and they have turned other people down and he believes that it has to be redesigned, and he thinks that the applicant should withdraw the application and going back and talking to their engineer and seeing what else could possibly be designed to make use of the space in the back. He doesn't believe that it should be allowed.

Mr. Brady is leaving the option open for the applicant to withdraw and waive the fee to come back in, but at this time it does not meet the standard.

Ms. McEttrick requested that the Board allow them to withdraw without prejudice, she is not sure whether a new design can be devised but it is worthwhile to look at. Mr. Ali stated that he is in agreement with Ms. McEttrick's request.

Mr. Brady asked Mr. Perry if he had anything to add who is an architect so the Board is deferring to Mr. Perry before they do anything.

Mr. Perry responded that he was quite shocked to the application as it was presented and it has so many non-conforming issues already and believes that the only thing that the Board could do is to let them come back and try something else, however if they had to vote on the application as it is presented there is no way it could be approved.

Mr. Brady agrees with Mr. Perry.

Mr. Rile made a motion for the applicant to withdraw its application without prejudice and to waive the fee. Mr. Perry seconded the motion. A roll call vote was taken and the motion passed unanimously, 5-0-0.

### **Resolution to Complaint; area abutting 842-858 Boston Providence Turnpike**

Mr. Brady reported that the Board got contacted by a Boch representative Mr. Clemey who worked in conjunction with Clay Subaru to take care of some property down on Route 1 where the area had become disheveled and dismayed and asked them to reconfigure that area with some new trees and Mr. Clemey just wanted it to be recognized that it had been done in conjunction with Clay Subaru. Mr. Brady thanked Mr. Clemey for looking into this matter.

Mr. Brady requesting to vote on approval of minutes from November 1 to the current date of March 2<sup>nd</sup>.present.

Mr. Riley made a motion to approve the minutes. Mr. Perry seconded the motion. A roll call vote was taken and the motion passed unanimously, 5-0-0.

Mr. Brady also made the announcement that a long-time member, Mr. Perry, of the Board is retiring. The Board responded with kind words and gratitude to Mr. Perry and Mr. Perry was appreciative to the board and hopes that he can still help when needed or necessary.

## ZBA Minutes March 2, 2021

Mr. Brady made another announcement regarding Ramanda Morgan leaving the Zoning Board who he described as a very valuable player of the Board and is going to be missed as the Executive Administrative Assistant.

Members of the Board were in agreement that she was going to be sorely missed and wished her the best of luck.

Mr. Mullvehill echoed what the members have said however he is more upset because she was not going to stay on he was dumbfounded as to the reasons why she wasn't going to remain. He does not believe there was one complaint against her at any level. Mr. Mullvehill wants to know why she is not here, who loved her position and he is waiting for an answer from anybody. He is frustrated, he is mad that she is no longer going to be with us. He is so upset that he informed the Board that he is retiring from the Board effective immediately.

Mr. Brady responded that he appreciates Mr. Mullvehill comments and the Board is not happy with the lack of communication that has taken place up to her resignation and the way that it was handled.

Mr. Deluca who represents the town and the board of selectmen stated that he appreciates all the time that you have put into the meeting however he has to caution the Board regarding confidentiality regarding employees.

Mr. Brady wished Mr. Perry and Mr. Mullvehill the best of luck and thanked them for all of their assistance.

Mr. Mullvehill made a motion to adjourn the meeting. Mr. Perry seconded the motion. A roll call vote was taken and the motion passed unanimously, 5-0-0.