

**Town of Norfolk
Zoning Board of Appeals
One Liberty Lane
Norfolk, MA 02056**

January 18, 2017

Zoning Board Members	Others
Michael Kulesza –Chairman ----- present	Amy Brady--Administrative Assistant --Present
Robert Luciano –Vice Chairman---present	
Christopher Wider – Clerk -----present	
Joseph Sebastiano –Full Member - absent	
Donald Hanssen – Full Member – present	
-Associate Member - vacant	

The duly posted meeting of the Zoning Board of Appeals convened at 7:10 P.M. in Room 124 at the Norfolk Town Hall. Mr. Kulesza announced that this meeting was being audio and video recorded.

MINUTES:

- December 21, 2016 – Public Hearing, Meetinghouse Road – should say “the town had required the seller to put money in an Escrow account...” in place of “he had required the seller to put up a bond...” During the Public Hearing for 102 Boardman Street, it was determined that the abutter referred to as Mr. Brian Meller, should have been Mr. Brian Mellen.

Mr. Wider made a motion to accept the minutes of December 21, 2016, as amended; Mr. Hansen seconded the motion; the vote on the motion was unanimous.

PUBLIC HEARINGS:

102 Boardman Street - Continued from December 21, 2016. Present was Becky Cavaliere, applicant.

Mr. Kulesza began by addressing the site visit of December 24, 2016. Mr. Wider referred to Case #2002-08, 66 Lakeshore Drive, Reference Assessor’s Map 4, Block 20, Lot 20, which was denied due to encroachment of front setback requirements. Mr. Kulesza stated that, with regard to the current case, if there were only one location on the lot for the garage, a Variance might be granted, but that is not the case. Mr. Kulesza referred to the standard of “de minimus encroachment,” which in this case would refer to a distance of a couple of inches to a couple of feet; in this case the encroachment would be 16’. After more discussion, *Mr. Wider made a motion to close the public hearing at 7:27 P.M.; Mr. Luciano seconded the motion; the vote on the motion was 4-0.*

The Board immediately entered deliberations, beginning with findings of fact:

- 3 bedroom dwelling proposing 24’ attached garage
- Garage would be 9.3’ from the neighboring lot line, required is 25’
- There are 11 other homes with single-car garages in the neighborhood
- The lot is odd-shaped
- Neighbor is in opposition, asked if similar Variances had been granted in the past
- A similar request was denied in June in 2002, Case #2002-08
- A garage, detached or unattached, could be placed elsewhere on the property
- It is not a de minimus situation

Mr. Kulesza read the criteria into the record.

Mr. Wider made a motion to grant a Variance pursuant to M.G.L. Ch. 40A, §10, as amended, and Section E.1.b. of the Norfolk Zoning Bylaws, to allow the construction of an attached garage, which will violate the side setback requirement of 25'. The property is located at 102 Boardman Street, Assessors Map 15, Block 53, Lot 27, and is in the R-1 zoning district. Mr. Hanssen seconded the motion; the vote on the motion was as follows:

**Mr. Kulesza – No to grant
Mr. Luciano – No to grant
Mr. Wider – No to grant
Mr. Hanssen – No to grant
Mr. Sebastiano – absent**

DELIBERATIONS:

The Board convened directly into deliberations for 16-18 Sharon's Avenue, (2) Special Permits. Mr. Kulesza read the Special Permit Criteria into the record.

Findings of fact:

- Lots are Subdivision Lot #11 & 12, corresponding to Assessor's Lot #16 & 15, and address #18 & 16, respectively
- This is a construction headquarters facility for A & A Socci, LLC
- Land in question is designed to be used as a storage area
- Cape Cod berm between lots will be taken down
- Lighting will be kept on site
- Detail of the work area is in the Development Plan for 16-18 Sharon Ave., including detail for the retaining wall; pre-cast drain manholes, chain link fence, planting schedule, Cape Cod berm, granite curb
- Plan document will be signed into record
- Ten (10) items in erosion control notes
- Eight (8) items in Operation & Maintenance plan

Mr. Wider made a motion to grant 2 (two) Special Permits pursuant to M.G.L. Ch. 40A, §9, as amended, and Section J.7.a.2.B. of the Norfolk Zoning Bylaws, to allow a contractors headquarters in an off-highway area, to allow outdoor storage of more than 3 (three) commercial vehicles, limited to the rear yard; Mr. Hanssen seconded the motion; the vote on the motion was as follows:

**Mr. Kulesza – Yes to grant
Mr. Luciano – Yes to grant
Mr. Wider - Yes to grant
Mr. Hanssen – Yes to grant
Mr. Sebastiano – absent**

The Board next convened into deliberations for Meetinghouse Road, Modification to Comprehensive Permit. Mr. Kulesza began by defining the issues to be discussed:

- Pumphouse location proposal

- Sidewalks going from 8' to 5'
- Lighting
 - Existing lighting being moved across the street
 - Lighting at the ends of personal walkways
- Mailbox location proposal
- Dumpster location proposal
- Slight adjustment to Building #4 in relation to the circle

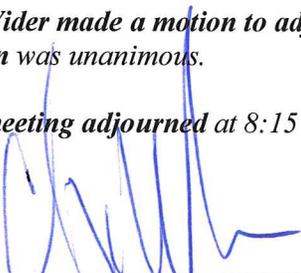
Discussion of moving the existing lighting was tabled pending legal consultation, due to questions of ownership of the lights. The pumphouse is already constructed and is appropriate; mailboxes will go in front of it, similar to across the street, which is appropriate; narrowing of sidewalks is appropriate. Mr. Wider stated that he did not feel that a dumpster is appropriate for many reasons including the potential for attracting animals, and becoming a mess with people disposing of couches, etc.; after some discussion, the Board agreed that a dumpster is not appropriate; it was agreed that lighting at the ends of personal walkways is not appropriate; the adjustment to Building #4 is appropriate.

Mr. Hanssen will talk with the Town Administrator and Town Planner to discuss speaking with Town Counsel regarding ownership of the existing lights.

Mr. Wider made a motion to continue deliberations until the next meeting, February 15, 2017; Mr. Luciano seconded the motion; the vote on the motion was unanimous.

Mr. Wider made a motion to adjourn the meeting; Mr. Luciano seconded the motion; the vote on the motion was unanimous.

The meeting adjourned at 8:15 P.M.



 Mr. Christopher Wider, Clerk

In accordance with the requirements of G.L. 30 § 22, approval of these minutes by the Board constitutes its certification of the date, time and place of the meeting, the members present and absent, the matters discussed, and the action taken by the Board with regard to those matters (if any). Any other information contained in these minutes is included for context only. Notes memorializing deliberation or discussion of any matter are in the summary form and may include inaccuracies or omissions. Where proof of the content of a statement is required, a tape recording or transcript should be consulted, if available.