

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

January 17, 2018

Zoning Board Members	Others
Michael Kulesza –Chairman ----- Absent	Amy Brady – Administrative Asst. - Present
Robert Luciano –Vice Chairman --- Present	
Christopher Wider – Clerk ----- Present	
Joseph Sebastiano –Full Member --- Present	
Donald Hanssen – Full Member ---- Present	
Devin Howe - Associate Member --- Present	

The duly posted meeting of the Zoning Board of Appeals convened at 7:08 P.M. in the absence of Chairman Kulesza, Mr. Wider announced that this meeting was being audio recorded. Mr. Wider made an announcement that the hearings for 60 River Road and 144 Seekonk Street would be continued at their appointed times tonight.

PUBLIC HEARINGS:

9 Fruit Street, Special Permit

Present was Michael Brogan, applicant.

Plans presented were entitled “Plan of Land for Land Located in the Town of Norfolk, MA (Job No. 5380) prepared by Dunn-McKenzie, Inc., dated March 14, 2016, rev 3/25/16, (4) colored photos dated 1/17/18, from Google Earth, and Google Mail.”

Mr. Wider called the continued public hearing for 9 Fruit Street to order. Mr. Hanssen asked Mr. Brogan if the septic would be the same size, whether it’s a 2 family or a single family, and Mr. Brogan responded that yes, he would install a 4 bedroom septic in either case. In response to Mr. Wider, Mr. Brogan responded that there would be no change to the footprint of the house, and the driveway would remain the same, circling around the shed. Mr. Brogan passed out colored pictures, and indicated where there was a single window, he put in a window and a door, which were permitted; he is not modifying the interior. Mr. Luciano asked about egress and fire protection, and was informed that would fall under the Building Department. The house uses well water, and electrical services will be on separate meters. In response to Mr. Wider, Mr. Brogan responded that the only change to lighting would be on the new door. In response to Mr. Luciano, Mr. Brogan gave a brief overview of his understanding of the history of the property, stating that the previous owner rented room for 6-7 years before he bought it. It is not a non-conforming lot. Mr. Howe expressed frustration with irrelevant properties and proposed/existing structures shown on the plan. Mr. Wider opened the hearing to the public form comments

Tristan Carpenter, 120 Seekonk Street, passed out a package of compiled information regarding this property. Paperwork included Norfolk Bylaw E.2.f., regarding Conversion of Single Family Dwellings, which states “...provided that (1) each resulting DWELLING unit shall contain no less than 800 square feet not included in any basement space or area below ground level...). Also included were the assessor’s card showing “basement” as part of the square footage, and marketing that has already been done for this property by the applicant, which identifies it as an available “apartment.” Karen Clark, Seekonk Street, elaborated on some of these points.

Mr. Wider invited Mr. Brogan to elaborate on the Zoning, based on his knowledge as an employee of the Building Department. Mr. Brogan stated that he believes that since the house was built in 1961, prior to the zoning of 1968, that E.2.f. does not apply.

Larry Clark, Seekonk Street, cited Mass Building Code 1010.4, which states that "Every sleeping room below the fourth story in occupancies in Use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue ... Where windows are provided as a means of egress or rescue, the windows shall have the bottom of the clear opening not more than 44 inches (1118 mm) above the floor." Mr. Brogan noted that the bedroom does not have a door, so it doesn't need a second egress. It was noted that the Assistant Building Inspector signed off on the work completed, not on it being a two family.

Tara Comendul, 131 Seekonk Street, asked if new tenants will be using the connecting "new road" between 9 Fruit Street and 123 Seekonk Street. Mr. Brogan stated that he "opened up" an existing cart path, placing recycled asphalt, and placing temporary panels where there will be a 6' gate, which will be opened only during horse shows, which are currently permitted at 123 Seekonk Street; it will also be used for emergency vehicles and farm vehicles.

Karen Clark said she recalled the road as a 10-12' wide dirt road, not a cart path, with stonewalls on either side; she stated that the stone walls have been torn down and trees cut, so it is now a 40' wide road; Ms. Clark said the "road" is currently under review by the Department of Public Works (DPW), as a curb cut was never pulled.

Peter Chipman, Overlea Road, asked if the Building Inspector had addressed the Zoning issues, and expressed concern that the bylaws were not being applied consistently throughout town. Mr. Wider clarified that The Building Inspector had merely advised that conversion to a two-family could be considered in this case, and that the board would have to determine if this property met the "basement" requirement of the bylaw.

Mr. Wider stated that the Board will seek input from the DPW, the Building Department and Town Counsel.

Mr. Hanssen made a motion to continue the hearing for 9 Fruit Street to February 7, 2018, at 8:15 P.M. at the Town Hall; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

60 River Road, Variance (cont'd from 12/20/17)

At 7:56 P.M., Mr. Wider called the continued hearing for 60 River Road to order, and announced that a request for continuance had been received from the applicant.

Mr. Hanssen made a motion to continue the hearing for 60 River Road to February 7, 2018, at 7:30 P.M. at the Town Hall; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

144 Seekonk Street, Appeal (cont'd from 12/6/17)

At 7:58 P.M., Mr. Wider called the continued hearing for 144 Seekonk Street to order, and announced that a request for continuance had been received from the applicant.

Mr. Hanssen made a motion to continue the hearing for 144 Seekonk Street Appeal to February 7, 2018, at 8:00 P.M. at the Town Hall; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

MINUTES:

Minutes of 9/21/17 - **Mr. Hanssen made a motion to accept the minutes of 9/21/17 as written; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.**

Minutes of 10/5/17 - **Mr. Luciano made a motion to accept the minutes of 10/5/17 as written; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.**

Minutes of 11/15/17 - **Mr. Sebastiano made a motion to accept the minutes of 11/15/17 as written; Mr. Howe seconded the motion; the vote on the motion was unanimous.**

Mr. Sebastiano made a motion to adjourn the meeting; Mr. Howe seconded the motion; the vote on the motion was unanimous.

The meeting was adjourned at 8:32 P.M



Mr. Joseph Sebastiano, 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.