

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

September 19, 2018

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

The duly posted meeting of the Zoning Board of Appeals convened at 7:00 P.M. in Room G-07 of the Norfolk Town Hall. Mr. Wider announced that this meeting was being audio and video recorded.

**PUBLIC HEARINGS:**

9 Fruit Street (cont'd from 8/15/18) – Mr. Wider announced that the applicant is still working on plans for this project, and has requested a continuance.

*Mr. Kulesza made a motion to continue the hearing for 9 Fruit Street to October 17, 2018, at 7:00 P.M. at the King Philip Middle School; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.*

4 & 6 Hill Street – Special Permits

Mr. Sebastiano read the public notice into the record. Mr. Wider said that the applicant had filed an F.11.a. form, and the Building Commissioner deemed a site plan review not necessary. But upon further review, the applicant was advised that site plan approval should be sought with the Planning Board before commencing this hearing; this process may take up to three months.

*Mr. Sebastiano made a motion to continue the hearing for 4 & 6 Hill Street to December 5, 2018, at 7:00 P.M. at the Town Hall; Mr. Kulesza seconded the motion; the vote on the motion was unanimous.*

34 Birch Road – Special Permit

Mr. Sebastiano read the public notice into the record. Plans presented were entitled “Property Survey Map 19/Block 62/Lot 44, 34 Birch Street, Norfolk, AM, for Jim Lenihan, 11 Barton Road, Foxboro, MA 02035,” dated November 6, 2017, prepared by Leddy Land Surveying Company, and “Proposed Renovation, 34 Birch St, Norfolk, MA, 02056,” pp A1-A6, dated March 23, 2018, prepared by Packert Design.

Jim Lenihan, owner and applicant, gave an overview of the project for remodeling the house. He wants to improve the size of the second floor on one side of the house; the other side remains the same. It is currently nonconforming; the footprint will not change. Mr. Wider noted the ZBA had been informed by the Board of Health that it was a cesspool system that did pass Title 5. The size of the porches was discussed, and Mr. Lenihan acknowledged that he would have to be within guidelines for building department approval.

Steven Snell, 36 Birch Road, stated that as an abutter he would not want to see any more trees be taken down. He asked about the height of the addition, and was told that it could not exceed zoning bylaws. Mr. Lenihan said he has done all of the tree clearing that he plans to do.

Mr. Snell said he is currently dealing with flooding issues, and asked if there is a drainage plan. Mr. Lenihan said that neither the topography nor the footprint (e.g. gutter system) is changing, so the drainage should not change. Mr. Snell said he would be concerned with a paved driveway causing more runoff to the street, where both of their driveways end.

Mr. Howe asked if the Board would require the porch dimensions were required before a decision could be reached; Mr. Wider said that it could be conditioned that it be within zoning requirements, and the building department be made aware of it.

***Mr. Kulesza made a motion to close the hearing for 34 Birch Road at 7:48 P.M.; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.***

#### 6 Hill Street – Appeal of F.11.

Mr. Sebastiano read the public notice into the record. Mr. Wider explained that F.11.a. decisions are not stamped by the Town Clerk after a decision is reached by the Building Commissioner, nor are abutters notified of the decision, but the appeal process states an appeal must be taken “within 30 days of the filing” ~~Town Clerk’s stamp~~ [amended 10/30/18]. The applicant is filing an appeal for an F.11.a. decision made more than 30 days ago, of which he only recently learned, ~~wherein an applicant for 6 Hill Street was not required to undergo site plan approval for plans at that property~~ [amended 10/30/18]. However, since that applicant has now agreed to voluntarily undergo site plan approval, the applicant for the appeal has agreed to a continuance until such process is completed.

***Mr. Sebastiano made a motion to continue the hearing for 6 Hill Street Appeal to December 5, 2018, at 7:00 P.M. at the Town Hall; Mr. Howe seconded the motion; the vote on the motion was unanimous.***

#### **MINUTES:**

***July 12, 2018 - Mr. Sebastiano made a motion to approve the minutes of July 12, 2018; Mr. Kulesza seconded the motion; the vote on the motion was unanimous.***

***July 18, 2018- Mr. Sebastiano made a motion to approve the minutes of July 18, 2018; Mr. Kulesza seconded the motion; the vote on the motion was unanimous.***

***August 1, 2018 - Mr. Sebastiano made a motion to approve the minutes of August 1, 2018; Mr. Kulesza seconded the motion; the vote on the motion was unanimous.***

***August 15, 2018 – It was noted that the attendance lists Devin Howe as an Associate member; this will be amended - Mr. Sebastiano made a motion to approve the minutes of August 15, 2018 as amended; Mr. Kulesza seconded the motion; the vote on the motion was unanimous.***

#### **DELIBERATIONS:**

##### 34 Birch Road

##### FINDINGS OF FACT

- Property is located at 34 Birch Road, 19/62/44 in R3 Zoning District
- Applicant is looking for relief from section F.4.a. to allow the alteration or enlargement of a nonconforming structure that does violate the setback, coverage, or height requirements of

Section E.1.b, but does not violate those requirements to a greater extent than the original structure.

- Side setback on the plan is 10'4" and there appears to be a stoop that is 8'4".
- Plans have been entered into the record
- The permit will be conditioned on the front porch being a landing in accordance with Norfolk's zoning bylaws.

Discussion ensued regarding roof line, impervious coverage, drainage; mention was made of sending a memo to DPW regarding drainage.

- Existing footprint will be maintained
- Applicant is rebuilding the porch in its current size on the rear of the house
- The height of the structure will not exceed 45'
- Abutter is in support of this project, although with concerns about drainage
- Lot is 19,134 sq.ft. (.439 acres)
- Standard language regarding dumpsters, lighting, etc. will be included

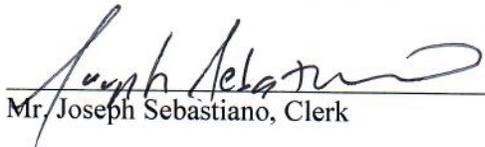
Mr. Wider read the Appendix B Criteria Worksheet into the record.

**Mr. Kulesza made a motion to grant a Special Permit to James Lenihan regarding the property located at 34 Birch Road, Assessors Map 19/62/44 in the R3 zoning district requesting relief from Section F.4.a.; Mr. Sebastiano seconded the motion; the vote on the motion was as follows:**

Mike Kulesza, Vice Chair-----Yes to grant  
 Joe Sebastiano, Clerk-----Yes to grant  
 Chris Wider, Chair-----Yes to grant  
 Devin Howe, Full Member-----Yes to grant  
 Medora Champagne, Associate Member ----Yes to grant  
 Bob Luciano, Associate Member-----Yes to grant

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

*The meeting was adjourned at 8:07 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.