

Zoning Board of Appeals
 One Liberty Lane
 Norfolk, MA 02056
 January 2, 2019
 7:00 P.M.

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|--------------------------------------------|---------------------------------------------------|
| Christopher Wider – Chair ----- Present | Medora Champagne – Associate Member-- Present |
| Michael Kulesza – Vice Chair ----- Present | Robert Luciano – Associate Member ----- Present |
| Joseph Sebastiano – Clerk----- Present | Amy Brady – Administrative Assistant----- Present |
| Donald Hanssen – Member ----- Present | |
| Devin Howe – Member ----- Present | |

The duly posted meeting of the Norfolk Zoning Board of Appeals convened at 7:05 P.M. Room 124 of the Norfolk Town Hall. Mr. Wider announced that the meeting was being video- and audiotaped.

PUBLIC HEARINGS:

The Enclave (cont'd from 11/14/18)

Mr. Kulesza made a motion to continue the hearing for The Enclave to February 6, 2019, at 7:00 P.M. at the Norfolk Town Hall; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

9 Fruit Street (cont'd from 12/5/18)

Present was Mike Brogan, applicant. Plans presented and referred to were entitled “Brogan, 9 Fruit Street,” prepared by Creative Designs, Scott Rapoza; copy of email dated October 18, 2018, from Town Counsel, David DeLuca, subject: RE: E.2.f.

Mr. Wider called the continued public hearing to order, with a reminder that it was a hearing for the conversion of a single family home and announced that the applicant has provided new plans. Mr. Wider also said that an opinion had been received from Town Counsel stating that putting an addition on a home built prior to the adoption of the bylaw in question (E.2.f.) does not render that home ineligible for conversion pursuant to that bylaw.

Mr. Wider read from the bylaw, stating that the resulting unit must be 800 s.f. minimum, it must provide sanitary and lavatory facilities, any changes to the outside of the dwelling must conform to the single family character of the neighborhood, and the house must have existed prior to the incorporation of the bylaw; he said the house was built in 1961, and so met the standard of pre-dating the bylaw. Building and fire codes are handled through the building permit process, and not the purview of the ZBA. Mr. Wider recognized Mr. Brogan.

Mr. Brogan said the intention is to build a 2 car garage, with the apartment above. Mr. Wider noted that the apartment would be 28’ x 36’ with a garage under; there will be one bath and one bedroom. Mr. Luciano asked if any house in town, built within the correct timeframe, could be converted to a two-family, or do multi-family homes have to be in a certain part of town; Mr. Wider said that was correct, and that Atty. DeLuca had only advised that the Board not allow demolition of a single-family for the purpose of “converting” to a two-family, but all residential zones in town do allow for a conversion. Mr. Hanssen asked that the applicant confirm that the resulting structure would meet all setbacks, which the applicant did confirm. Mr. Hanssen also asked for confirmation that a garage attached to a house is part of the single-family dwelling, and therefore adding an attached garage to an existing home is allowable, as long as it meets all setbacks; and that a house in the R1 zoning district could be raised to a height of 35’. Mr. Luciano noted that the living area in the new apartment would be 938 s.f. Mr. Howe asked if there were any other multi-family dwellings near 9 Fruit Street; Mr. Brogan thought there were

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

The meeting was adjourned at 7:58 P.M

A handwritten signature in cursive script that reads "Donald M. Hanssen". The signature is written in dark ink and is positioned above a horizontal line.

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.