

Zoning Board of Appeals
 One Liberty Lane
 Norfolk, MA 02056
 February 6, 2019
 7:00 P.M.

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 ----- Absent	
Devin Howe – Member ----- Present	

The duly posted meeting of the Norfolk Zoning Board of Appeals convened at 7:00 P.M. Room 124 of the Norfolk Town Hall. Mr. Wider announced that the meeting was being video- and audiotaped.

PUBLIC HEARINGS:

6 Hill Street Appeal (cont'd from 12/5/18)

Mr. Wider recused himself, and ceded the Chair to Mr. Kulesza. The applicant has asked for a continuation.

Mr. Sebastiano made a motion to continue the hearing for 6 Hill Street to March 6, 2019, at 7:15 P.M. at the Norfolk Town Hall; Ms. Champagne seconded the motion; the vote on the motion was unanimous.

Village Green, The Enclave (cont'd from 1/2/19)

Mr. Kulesza made a motion to continue the hearing for Village Green, The Enclave, to February 27, 2019, at 7:00 P.M. at the Norfolk Town Hall; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

282 Dedham Street, Orlando's Garage Appeal

Mr. Kulesza made a motion to continue the hearing for 282 Dedham Street to March 6, 2019, at 7:15 P.M. at the Norfolk Town Hall; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

Preserve at Abbyville (cont'd from 1/31/19)

Mr. Sebastiano made a motion to continue the hearing for The Preserve at Abbyville, to March 6, 2019, at 7:15 P.M. at the Norfolk Town Hall; Mr. Kulesza seconded the motion; the vote on the motion was unanimous.

Abbyville Commons (cont'd from 1/31/19)

Mr. Sebastiano made a motion to continue the hearing for Abbyville Commons, to March 6, 2019, at 7:15 P.M. at the Norfolk Town Hall; Mr. Kulesza seconded the motion; the vote on the motion was unanimous.

MINUTES:

January 16, 2018 - Mr. Kulesza made a motion to approve the minutes of November 14, 2018; Ms. Champagne seconded the motion; the vote on the motion was unanimous.

After a 5 minute recess, Mr. Howe arrived, and proceedings began for 71 River Road.

71 River Road, Special Permit Request

Present were the applicants, Ted Lambert and Lisa Larsen. Plans presented were entitled "Proposed House Plan, 71 River Road, Norfolk, MA," prepared by GLM Engineering, Inc., and dated 12/19/19.

Ms. Champagne read the public notice into the record. Mr. Lambert stated that they are considering purchasing the property, tearing down the house that is currently there, and rebuilding a new house. The new house is planned to be no less conforming than the current house. The new house will be about 2,200 s.f., the current house is about 800 s.f.

Mr. Wider stated that it has come to the Boards attention that 3 lots are involved, and one of the conditions put on a Special Permit, should one be issued, is that all lots must be combined before a building permit is issued. A concern of the Conservation Commission was whether the property is in the flood plain; the applicants produced an email from GLM stating that the property is not in the flood plain. This document was entered into record. The lots in question are identified as A-388, A-389, and A-193. In response to a question from Mr. Kulesza, the applicant responded that they do plan to live in the new house.

Mr. Howe asked what the definition of "front setback" is, questioning if there would be two front setbacks when the lots are combined (Westfield Drive & River Road). The rear setback on the current house from Westfield Drive is 22.8'; on the new house it will be 27' making it less non-conforming as a rear setback, which is a 25' requirement. Mr. Howe's stated that his concern is, if this now becomes a front setback, the requirement would be 50' and the house would become more non-conforming. Mr. Luciano cited zoning bylaw E.2.b, "Corner Lots or Through Lots" and discussion ensued regarding lot definitions and setbacks.

With no further questions from the Board, Mr. Wider opened the meeting to public comment. Michael Cahalane, 77 River Road, stated his support of the project.

Mr. Wider asked if the neighbor with a shed was there, and realtor Alyson Carew said they were not; Mr. Wider asked why the shed wasn't on the plan. Mr. Lambert said they would deal with the neighbor if they were to purchase the property.

Suzanne Peterson, 75 River Road, asked if the plan for the house was to remain level, or if the grade would be increased, with a "mounded" septic system. The applicants said they hoped a mounded system would not be necessary. Mr. Wider asked if there is a well there; Mr. Lambert said there is, but it's in the back, and he's not sure where the septic will go. There is town water stubbed onto the property, so they could tie in if needed.

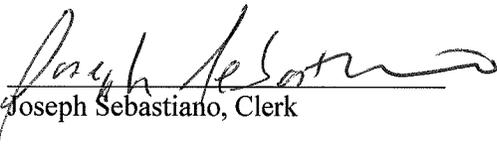
Mr. Howe restated the need to know the setbacks as they currently are, as well as when the three lots are combined, and restated his concern that the current rear setback will become a front setback. Mr. Luciano questioned whether some or all of the lots are already "merged." Ms. Larsen stated that the deed lists all three lots; the deed was not entered into record. Ms. Champagne discussed conditioning the purchase on the current owner combining the lots, and transferring one lot to the purchasers (applicants) as one lot with a nonconforming structure. Mr. Howe stated again that he believes combining the back lot (A-193) with the others makes it more nonconforming (by changing 25' rear setback to 50' front setback). Alyson Carew, realtor, said that lots A-389 and A-193 are already combined, receiving a single tax bill, and only A-388 is still separate. Mr. Luciano suggested that perhaps the lots are already "merged" and what is being referred to as a rear setback, is actually already a front setback, making it no less conforming when it is "officially" one property. Ms. Champagne said that any issues created would be a direct sequela of conditions imposed by this Board. Mr. Sebastiano asked if a ruling from Bob Bullock, Building Inspector and Zoning Enforcement Officer. Whether 22.8' is the correct current rear setback was debated; the current lot lines are not shown on the plan. Mr. Howe said he thought it would be illegal to combine these lots. Mr. Kulesza read Mr. Bullock's email of 1/23/19 into the record, which states "The plan of land is made up from three lots two of which have been combined already, but now all three should be combined through an ANR plan with the Planning Board. This is an issue when looking at setbacks of the proposed house." Mr. Howe asked if the Board could speak to Mr. Bullock at a meeting. Mr. Luciano and Ms. Champagne discussed whether this

property is already “merged” under public policy doctrine, simply needing a plan to memorialize it. Mr. Wider said the Board needed to confirm whether the lots can be combined; the Building Inspector will be asked this questions. Mr. Lambert asked if changes would be needed to their plans, and Mr. Wider said maybe just a measurement added, and the legend changed, a whole new plan would not be required. Mr. Howe said if the lots are already merged, it would not be a problem. In response to Mr. Wider, Mr. Luciano said that merged lots could still receive separate tax bills.

Mr. Sebastiano made a motion to continue the hearing for 71 River Road, to February 27, 2019, at 7:00 P.M. at the Norfolk Town Hall; Mr. Kulesza seconded the motion; the vote on the motion was unanimous.

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

The meeting was adjourned at 8:35 P.M.


Joseph Sebastiano, Clerk