

Zoning Board of Appeals
 One Liberty Lane
 Norfolk, MA 02056
 June 19, 2019
 7:00 P.M.

Christopher Wider – Chair ----- Present	Medora Champagne – Associate Member-- Absent
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 7:08 P.M. Room 124 of the Norfolk Town Hall. Mr. Wider announced that the meeting was being video- and audiotaped

PUBLIC HEARINGS:

The Preserve at Abbyville (cont'd from 5/22/19)
Abbyville Commons (cont'd from 5/22/19)

Mr. Wider said that a letter had been sent to Mass Housing asking for an opinion on the status of the project now that the Purchase & Sale Agreement for the Buckley & Mann portion of the site has expired; he spoke with Greg Watson of Mass Housing, who said that a final letter is not available at this time, but it will be by the next meeting, July 17, 2019.

Mr. Kulesza made a motion to continue the hearings for The Preserve at Abbyville and Abbyville Commons to July 17, 2019, at 7:15 P.M.; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

6 Hill Street, Appeal (cont'd from 6/5/19)

Mr. Wider said that the applicant has asked for a continuation, because the applicant for the Special Permits at this address has not had their hearing with the Planning Board yet.

Mr. Sebastiano made a motion to continue the hearings for the 4 & 6 Hill Street Appeal to July 17, 2019, at 7:30 P.M.; Mr. Kulesza seconded the motion; the vote on the motion was unanimous.

29 Needham Street, Special Permits (2)

Mr. Sebastiano read the Public Notice into the record. Plans presented and referred to were entitled “ZBA Site Plan, Sheet C1; Project: Site Plan, 29 Needham Street, Norfolk, Massachusetts,” prepared by Henderson Consulting Services, dated 5/9/19; “Andersen Residence,” prepared by Red House, dated 5/15/19. Present were Scott Henderson, Engineer, and Eric & Erin Andersen, applicant/owners.

Mr. Henderson began with the first Special Permit request, pursuant to bylaw Section F.4.a. The applicant would like to construct a 2 car garage with a second story, and a small deck in front of it, that is nonconforming to the front setback, but not more so than the existing structure; all other dimensional requirements are met, architecture is consistent with original structure.

The second Special Permit request is for construction of an accessory barn on the property, where there is currently a stone foundation from an old barn. It does meet all dimensional requirements, with the exception of the fact that the front setback is 32.7'; Mr. Henderson said that it was the opinion of the Assistant Building Inspector and the Town Planner that, according to F.5.a. the front yard is established by the primary structure, which in this case is 19.2'. It is currently permitted as a two-family house, and has the addresses 27 Needham Street and 29 Needham Street. Mr. Henderson showed the architectural renderings of the house and the proposed barn, and described how the barn would be built over the existing stone foundation. The barn would be used as a workshop for a small software business, and maybe some beehives would be stored in there.

Mr. Wider asked if the barn could be moved back, citing concerns about the front setback; Mr. Andersen said it would run into the well, and the "look" of incorporating the existing stone foundation would be lost. After a brief recess, the applicant asked to withdraw without prejudice, this Special Permit request.

Mr. Sebastiano made a motion to close the hearing for 29 Needham Street; Mr. Kulesza seconded the motion; the vote on the motion was unanimous.

Mr. Sebastiano made a motion to withdraw without prejudice, the application for construction of an accessory barn; Mr. Kulesza seconded the motion; the vote on the motion was unanimous.

194 Main Street Appeal

Mr. Wider recused himself, and turned the meeting over to Mr. Kulesza. Mr. Sebastiano read the Public Notice into the record. Mr. Kulesza stated that the ZBA would like to move the hearing to another date because if it were continued, there would not be enough voting members, since this is Mr. Luciano's last meeting; the applicant agreed with the ZBA's request.

Mr. Sebastiano made a motion to continue the hearings for the 194 Main Street Appeal to July 17, 2019, at 7:15P.M.; Mr. Howe seconded the motion; the vote on the motion was unanimous.

DELIBERATIONS:

29 Needham Street, Special Permit

Mr. Sebastiano said that he would mention in the decision that the Special Permit relating to F.5.a. was being withdrawn. Findings of fact included: the original structure is being enlarged; they are adding a two-story two car garage, setback 30.9'; the deck in front of it, will be set back 24.2'; the height will be 23', same as existing structure; application was reviewed by the Town Planner and the Assistant Building Inspector; it is in the R-2 zoning district; plan was signed into the record; compliance with criteria was reviewed; good standing approval was obtained.

Mr. Sebastiano made a motion to grant a Special Permit for 29 Needham Street to allow the alteration or enlargement of a nonconforming structure in accordance with F.4.a.; Mr. Kulesza seconded the motion; the vote on the motion was as follows:

<i>Christopher Wider</i>	-	<i>yes to grant</i>
<i>Michael Kulesza</i>	-	<i>yes to grant</i>
<i>Joseph Sebastiano</i>	-	<i>yes to grant</i>
<i>Robert Luciano</i>	-	<i>yes to grant</i>
<i>Devin Howe</i>	-	<i>yes to grant</i>

113 North Street, Finding

Mr. Wider said the applicants were looking for two findings; on Lot 1 that the stone garage be allowed to stand, in spite of being 22' from the side setback line, which is less than the required 25'. It was also requested that two of the five sheds, both on Lot 3, be allowed to stand, although they would now be in the front yard setback. Mr. Wider said that he did not think it good policy to "create" a violation by allowing a nonconformity, where there was none previous to splitting the lot. Mr. Kulesza stated his opinion that the stone garage could be deemed de minimis in nature, and the Board concurred. All sheds that would otherwise remain in a front yard setback must be removed or relocated to the side or rear, in accordance with E.1.b. of the zoning bylaws.

Mr. Sebastiano made a motion that the Board finds that the existing garage within 22' of the newly created side setback of Parcel 1 may remain; in addition, the Board finds that the existing sheds within the newly created front yard of Parcel 3 must be removed or relocated to the side or rear, in accordance with E.1.b. and F.5.a. of the zoning bylaws; Mr. Kulesza 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 8:07 P.M.


Joseph Sebastiano, Clerk