

Zoning Board of Appeals
 One Liberty Lane
 Norfolk, MA 02056
 December 4 2019
 7:00 P.M.

Christopher Wider – Chair ----- Present	Josephine Cordahi – Associate Member---- Present
Michael Kulesza – Vice Chair ----- Absent	Timothy Martin – Associate Member -----Present
Joseph Sebastiano – Clerk----- Absent	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 7:00 P.M. Room 124 of the Norfolk Town Hall. Mr. Wider announced that the meeting was being video- and audiotaped.

PUBLIC HEARINGS:

34 Massachusetts Ave, Special Permit

Mr. Howe read the public notice into the record. Present were and Glenn Jensen and Cynthia Jensen, applicants. Plans presented and referred to were entitled “Foundation As-Built, 34 Massachusetts Avenue, Norfolk, MA,” prepared by Dunn-McKenzie, dated 4/30/2001, updated to reflect a proposed addition.

Mr. Jensen said they were hoping to put a screened porch on their house. The front of their house is 15’4” from the side lot property line, and the back corner of their house is approximately 25 feet and a few inches from the property line. Mr. Jensen said that the zoning requirements have changed since the house was built in 2001, and the required setback for this house, which is in an Open Space subdivision, is 30’. Due to the orientation of the house, the porch will begin at the back corner, which is 25’+ from the side property line, and will extend back to where it will be just over 31’ from the side property line.

There will be no foundation under the porch; it will be built on helical piers, a process which has been approved by the Building Department. The dimension will be roughly 16’ x 18’. There is a pre-existing, portable hot tub.

Mr. Howe made a motion to close the public hearing for 34 Massachusetts Avenue; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

7 Philips Way, 3 Special Permits

Mr. Howe read the public notice into the record. Present was Jim Susi, United Consultants, Inc. (UCI). Plans presented and referred to were entitled “Site Development Plan, 7 Phillips [sic] Way, Lot 14B 7 Phillips [sic] Way Norfolk, MA,” prepared by UCI, dated 9/5/2019, 13 pp.

Mr. Susi detailed where the building will be on the plans, and where the outdoor storage will be, as well as the infiltration forebay and sediment pond. There currently exists a 40’ wide swale catching runoff from other lots, that was part of the Shire Park approval. The 40’ width has been expanded; rather than trying to put it back to 40’ the engineers worked around it and incorporated it into the overall drainage system. The entire lot is surrounded by woods, so neighbors are protected from sights and noises. Locating parking in the front of the building worked best for allowing circulation by fire trucks, and it is located at the end of the road, not visible by the general public. One of the applicants has another business located on Cushing Drive in Wrentham, that supplies manufactured soils to sports fields all over the country. There will be no retail coming out of here. There will still be an office in Wrentham. There is security lighting on the building, but none out back. The applicants will be appearing before the Planning Board on 12/14/19, and BETA

Engineering is in the process of peer reviewing the plans. There is no set parking for commercial vehicles. Mr. Howe expressed concern for vehicles creating erosion, or tracking mud & debris onto the road, which may become a public way at some point; Mr. Susi suggested placing some recycled pavement.

Chris Henry, 30 Boardman Street, asked if commercial vehicles could be parked on the unpaved stocking area; he also asked if the Board could limit the number of vehicles that could be parked.

Loam will be placed, and the storage area hydroseeded with a mix from the contractor. Loam, pea stone, riced stone, etc. will be stored there. Rich McCarthy, Town Planner, noted that the vehicles will have to be stored on pavement, not on the lawn area. Mr. Susi said parking could be on the side of the building; allowance will have to be made for emergency vehicles, moving the turf/pavement line if necessary; BETA will review. Parking spaces will be delineated on the next plan.

Mr. Henry asked if the board could condition what materials could be stored; Mr. Wider said that was not in the ZBA's purview; this may be a Planning Board condition; Mr. McCarthy will confirm.

Mr. Hanssen made a motion to continue the public hearing for 7 Philips Way to January 15, 2020, at 7:00 P.M.; Mr. Howe seconded the motion; the vote on the motion was unanimous.

194 Main Street, Residences at Norfolk Station, Comprehensive Permit

Mr. Wider said the applicant has asked for a continuance.

Mr. Howe made a motion to continue the public hearing for 194 Main Street to January 15, 2020, at 7:15P.M.; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

OLD BUSINESS:

Discuss Fee Structure for Applications w/ Town Planner, Richard McCarthy

The Planning Board is amending their filing fee schedule at their 12/10/19 meeting, and Mr. McCarthy would like the ZBA to consider amending their fee schedule as well. Under the current structure, advertising fees are incorporated into the application fees, which go directly into the town's general fund. Advertising costs then need to be paid out of the Land Use Department's Printing & Advertising operating budget, which can be quickly depleted, depending on the number of applications received and other printing requirements throughout the year.

Advertising costs for each hearing generally run between \$250-\$280.00; the Special Permit fee is \$300.00, the balance of which does not cover other administrative costs. Other costs include administrative, and often managerial, time and expense for intake and verification of the application; preparation, posting, publication and follow-up of the advertisement; time, postage and materials for abutter notification; time and costs associated with the hearing itself, including compiling and disseminating information; time, postage and materials for preparation and publication of decision.

The proposal is to keep the application filing fee at \$300.00 to cover all administrative costs listed above, with the exception of the actual newspaper cost for advertising. This cost will be paid separately by the applicant (payable to the town,) and the funds placed in a revolving account. Upon receipt of the monthly bill, the newspaper will be paid from the revolving account. It was agreed that a public hearing for the proposed change will be held on January 15, 2020.

APPROVE MINUTES:

October 30, 2019 – Mr. Wider noted a misspelling on the bottom of page 2 (“busses” instead of “buses.”)

Mr. Howe made a motion to accept the minutes of October 16, 2019, as amended; Mr. Hanssen seconded the motion; the vote on the motion was unanimous

November 6, 2019

Mr. Howe made a motion to accept the minutes of November 6, 2019, as written; Mr. Hanssen seconded the motion; the vote on the motion was unanimous

DELIBERATIONS:

34 Massachusetts Ave, Special Permit

FINDINGS OF FACT:

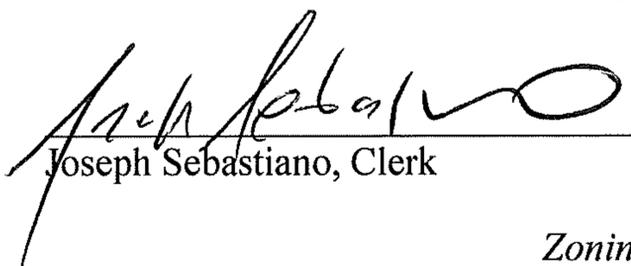
- Nonconforming, pre-existing structure, 15.4 from side lot line
- Proposed 3-season porch that will begin at back corner of house, 25’ from the open space
- Porch will start from existing edge of back corner of house, will not extend beyond (toward side lot line)
- Minimum building setback according to H.2.f.3. is 30’
- Properly applied under F.4.a. because it is nonconforming, even though H.2.f.3 is not specifically referenced there.
- There will not be a full foundation under the 16’ x 18’ addition, it will be on piers
- Back of addition will be 99’ from back lot line
- Hot tub on concrete pad is pre-existing, and appears to be within the setbacks
- The deck is believed to be pre-existing and within the setbacks; will be connected to the proposed porch
- Residence is in the R-3 zoning district.
- Residence is 162.3 feet from abutting residential lot, reference Plan entitled “Foundation As-Built, 34 Massachusetts Avenue, Norfolk, MA,” prepared by Dunn-McKenzie, dated 4/30/2001, updated to reflect a proposed addition.
- General lighting and cleanup conditions will apply

Mr. Hanssen read the Special Permit criteria into the record.

Mr. Hanssen made a motion to grant the Special Permit for 34 Massachusetts Avenue; Mr. Martin seconded the motion; the vote on the motion was as follows:

Christopher Wider	– Yes to grant
Don Hanssen	– Yes to grant
Devin Howe	– Yes to grant
Michael Kulesza	– absent
Joseph Sebastiano	-- absent
Timothy Martin (Associate Member)	– Yes to grant

Mr. Howe made a motion to adjourn the meeting; Mr. Hanssen seconded the motion; the vote on the motion was unanimous. The meeting was adjourned at 8:20 P.M.



Joseph Sebastiano, Clerk



**TOWN OF NORFOLK
ZONING BOARD OF APPEALS**

ONE LIBERTY LANE
NORFOLK, MASSACHUSETTS 02056

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CERTIFICATION PURSUANT TO G.L., Ch.39, §.23D
(ACCEPTED UNDER ARTICLE 12
OF THE SPECIAL TOWN MEETING
OF OCTOBER 24, 2006)

DATE: 12/18/19

APPLICANT'S NAME: _____

PROJECT NAME/LOCATION OF PROPERTY: _____

7 Philips way

CASE NO: _____

ASSESSORS' REFERENCE: Map _____ Block _____ Lot _____

I, Joe Sebastiano hereby certify that I have examined

all evidence received at the one (1) session of the public hearing in the above matter held

12/4/19 including (check all that apply):

An audio/video recording

Minutes

Other supporting plans & documents

Michael J. Kuliga
Signature Board Member



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DATE: 12/18/19

APPLICANT'S NAME: _____

PROJECT NAME/LOCATION OF PROPERTY: _____

7 Philips Way

CASE NO: _____

ASSESSORS' REFERENCE: Map _____ Block _____ Lot _____

I, Mike Kuleza hereby certify that I have examined

all evidence received at the one (1) session of the public hearing in the above matter held

12/4/19 including (check all that apply):

An audio/video recording

Minutes

Other supporting plans & documents

Michael J. Kuleza
Signature Board Member