

Zoning Board of Appeals  
 One Liberty Lane  
 Norfolk, MA 02056  
 August 5, 2020  
 7:00 P.M.

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|---|---|
| Christopher Wider – Chair ----- Present   | Josephine Cordahi – Associate Member---- Present  |
| Michael Kulesza –Vice Chair ----- Present | Timothy Martin – Associate Member -----Absent     |
| Joseph Sebastiano – Clerk----- Present    | Amy Brady – Administrative Assistant----- Present |
| Donald Hanssen – Member ----- Absent      | Richard McCarthy – Town Planner -----Present      |
| Devin Howe – Member----- Present          | Daniel Hill – Hill Law -----Present               |

The duly posted meeting of the Norfolk Zoning Board of Appeals convened at 7:11 P.M. Mr. Wider announce that in accordance with the Governor’s Order Suspending Certain Provisions of the Open Meeting Law, M.G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the August 5 , 2020, public meeting of the Norfolk Zoning Board of Appeals would be physically closed to the public to avoid group congregation, and further that:

Alternative public access to this meeting shall be made utilizing the Zoom virtual meeting software <https://zoom.us> for remote access. This software will allow users to view the meeting and send a comment or question to the Chair via the “Raise your Hand” function. The Meeting will be recorded for future rebroadcast by Norfolk Community Television.

**PUBLIC HEARINGS:**

46 Miller Street, Special Permit

Present were Steven and Janet Yavarow. Plans presented were entitled “Plot Plan of Land in Norfolk, Mass.,” prepared by GLM Engineering Consultants, Holliston, MA, dated 10/29/1988, as submitted with this application. Mr. Sebastiano read the Public Notice into the record.

Mr. Yavarow said they are proposing to construct a 12’ x 22’ unattached deck at the rear of the house. He chose not to attach it to the house because it would have required pilings, and the outflow line for the septic flows right underneath; it is a ground level platform. This will not increase any existing nonconformity.

***Mr. Sebastiano made a motion to close the hearing for 46 Miller Street; Mr. Howe seconded the motion; the vote on the motion was unanimous.***

112 Mytle Street, Variance (cont’d from 7/1/20)

Present were Theresa McNeely and Dennis Shworer, applicants. Plans presented were entitled “Building Permit Plan in Norfolk, Massachusetts,” prepared by Dunn-McKenzie, Inc. Norfolk, MA, dated 5/7/2018, as submitted with this application; letter addressed to Chris Wider [ZBA Chair], from Paula and Joseph Santos, dated 7/22/20; assorted photographs. Mr. Wider called the continued Public Hearing to order.

Ms. McNeely said they had approached their neighbors with regard to perhaps purchasing a small piece of property from them. The neighbors declined to sell the piece of property, but wrote a letter to the Board stating their support for the project as proposed. Ms. McNeely gave an overview of the project, including its history as a 7 bedroom inn built in 1802. Much has been renovated, with this room being the “last piece of the puzzle.” It has a very old foundation and the ceiling is caving in, and it is too small to be a functional room on its own.

Mr. Shworer discussed the oddly shaped lot, which came into being when the lot was split and part sold off by the previous owner. Mr. Shworer said the room under discussion is a source of cold in the house due to the

exposed brick and mortar foundations. Although they are looking to subsume this extra room into the house by squaring it off, improvements to the structure will be realized as well.

The required setback to the side is 25'; this addition would result in a 23.5' setback. Ms. McNeely said a great amount of effort was put in trying to work with the neighbor to purchase this small portion of property.

***Mr. Sebastiano made a motion to close the hearing for 112 Myrtle Street; Mr. Howe seconded the motion; the vote on the motion was unanimous.***

### **MINUTES:**

Mr. Wider noted a few areas to be double-checked on the minutes of June 3: page two, the word "toe," the phrase "up to binder;" "120 day estimate," "Mr. \_\_\_\_"

***Mr. Sebastiano made a motion approve the minutes of June 3, 2020 as amended; Mr. Howe seconded the motion; the vote on the motion was unanimous.***

A few typographical errors were identified, and changed accordingly.

***Mr. Sebastiano made a motion approve the minutes of June 17, 2020 as amended; Mr. Kulesza seconded the motion; the vote on the motion was unanimous.***

***Mr. Sebastiano made a motion approve the minutes of June 24, 2020 as written; Mr. Kulesza seconded the motion; the vote on the motion was unanimous.***

***Mr. Sebastiano made a motion approve the minutes of June 25, 2020 as written; Mr. Howe seconded the motion; the vote on the motion was unanimous.***

***Mr. Sebastiano made a motion approve the minutes of July 1, 2020 as written; Mr. Kulesza seconded the motion; the vote on the motion was unanimous.***

### **DELIBERATIONS:**

#### **46 Miller Street, Special Permit**

Findings of fact:

- It's an existing nonconforming structure
- Proposing 12' x 22' ground-level deck
- Will be no more nonconforming than original structure
- No abutter objections were made known

Mr. Sebastiano read the Special Permit Criteria into the record. Mr. Wider said F.4.a. should also be referenced on the Special Permit. There are no special conditions.

***Mr. Sebastiano made a motion to grant the Special Permit as discussed for 46 Miller Street; Mr. Howe seconded the motion; the vote on the motion was as follows:***

*Christopher Wider – yes to grant  
Michael Kulesza – yes to grant  
Joseph Sebastiano – yes to grant  
Donald Hanssen – absent  
Devin Howe – yes to grant*

Findings of fact:

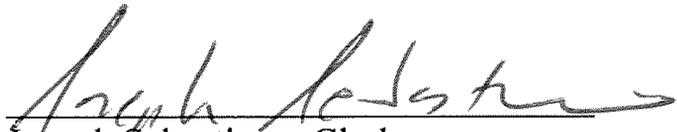
- It's an existing nonconforming structure (front yard does not meet setback)
- Side currently does meet set back, but will not when the 13.5' x 7.8' addition is completed
- Existing structure was built in 1802
- Appears an addition was added in the 1970s or 1980s
- In R3 zoning district
- No abutter opposition; one letter from abutter in support
- Applicant sought to purchase strip of land to avoid nonconformity
- Existing "bump out" they want to square off with this addition was characterize as being too small to be usable.
- Lot is basically triangular, and takes a funny turn
- Due to topography, pipes in the currently exposed foundation freeze in the winter.

Mr. Sebastiano read the Variance Criteria into the record.

***Mr. Sebastiano made a motion to grant the Variance as discussed for 112 Myrtle Street; Mr. Howe seconded the motion; the vote on the motion was as follows:***

*Christopher Wider – yes to grant  
Michael Kulesza – yes to grant  
Joseph Sebastiano – yes to grant  
Donald Hanssen – absent  
Devin Howe – yes to grant*

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

  
Joseph Sebastiano, Clerk