Town of Norfolk
Zoning Board of Appeals
One Liberty Lane
Norfolk, MA 02056
April 28, 2016

Zoning Board Members	**Others**
Michael Kulesza –Chairman ----- present	Amy Brady--Administrative Assistant --Present
Robert Luciano –Vice Chairman---present	
Mr. Wider – Clerk ----------present	
Joseph Sebastiano –Full Member - present	
Jeffrey Chalmers – Associate Member- present	
Donald Hanssen – Full Member – present	

The duly posted meeting of the Zoning Board of Appeals convened at 7:13 p.m. in room 124 at the Norfolk Town Hall.

Mr. Kulesza announced that this meeting was being audio and video recorded.

MINUTES:
Mr. Hanssen made a motion *to accept, as printed, the minutes for the Town of Norfolk Zoning Board of Appeals meeting on January 28, 2016;* ***Mr. Chalmers seconded*** *the motion;* ***the vote on the motion was unanimous.***

Mr. Sebastiano made a motion *to accept, as printed, the minutes for the Town of Norfolk Zoning Board of Appeals meeting on February 24, 2016;* ***Mr. Hanssen seconded*** *the motion;* ***the vote on the motion was unanimous.***

APPLICATIONS:

NEW BUSINESS:

PUBLIC HEARING:

7:15 P.M. 117 Seekonk Street, Special Permit & Variance –continued from February 24, 2016
Mr. Kulesza opened the public hearing and announced that the Board had received correspondence in which the applicant respectfully requested that their application be withdrawn without prejudice. ***Mr. Wider made a motion*** *to close the Public Hearing for 117 Seekonk Street for a Special Permit in accordance with G.L. Chapter 40A, §9 and the Norfolk Zoning Bylaws Section D.2.d.5.b. for a Commercial Kennel (dog daycare, and a Variance for relief from the dimensional requirements;* ***Mr. Hanssen seconded the motion; the vote on the motion was unanimous.***

Mr. Wider made a motion *to accept the request for withdrawal without prejudice of the application stated above;* ***Mr. Hanssen seconded the motion; the vote on the motion was unanimous.***

7:30 P.M. 14 Cottage Avenue – special permit
Present were: Thomas Orlandi, Millbrook Homes, applicant; Dennis Scott; Cary Orlandi, Millbrook Homes; Shawn & Carol Davenport, 18 Old Populatic Rd.; Edward Dever, 2 Medway Avenue; Sean Noonan, Populatic Street Extension; Peter Lavoie, Guerriere & Halnon

Mr. Wider opened the Public Hearing at 7:30 P.M for a Special Permit pursuant to M.G.L. c. 40A, s.9, as amended, and Section F.4.b. of the Norfolk Zoning Bylaws to allow the demolition and reconstruction of an existing nonconforming single family residence, which does not violate those requirements to a greater extent than the original structure. The property is located at **14 Cottage Ave.**, Assessors Map 4, Block 15, Lot 15, and is in the R-2 zoning district. Mr. Lavoie, engineer on the project, distributed the new plan (previously submitted via email), entitled "Special Permit Plot Plan, 14 Cottage Avenue, Norfolk, Massachusetts, prepared by Guerriere & Halnon, Inc., dated March 11, 2016, signed 4/21/16. In response to Mr. Hanssen's question, Mr. Lavoie stated that the house was moved from a 36' setback to a 25' setback due to topography, as the original plan was submitted before soil testing; they are trying to minimize any grading on back of lot. Existing house 7' off property line at elevation 180; there is a cottage, and then an existing garage, which is at elevation 198. Back elevation is 174, front is 198. Populatic Lake behind property is at elevation 112. Mr. Lavoie showed pictures looking down toward Populatic Street; the pictures were not entered into the file. All structures on lot are being razed. Property owner also owns L-shaped lot across the street with garage, for a total of 21000 + 7200 sf. Keeping existing well; cesspool will be abandoned; backmost structure will be razed and used as patio to minimize grading; there is an existing retaining wall that will be rebuilt if necessary. Main structure will be 8' foundation with walkout in back. Large pines throughout lot. Mr. Lavoie showed a picture of the existing garage, which is 5' off the property line. Mr. Kulesza opened the hearing for questions from the board: In response to Mr. Sebastiano, Mr. Lavoie stated that the cutting of trees would be at the limit of grading, and a line of trees along the back edge would not be disturbed. In response to Mr. Hanssen's question, Mr. Lavoie stated that all structures are not structurally sound, and will be razed (except garage across the way). Mr. Wider asked for clarification and was informed that the 1.5 story structure in the back is the home, and that it was abandoned about 8 years ago; the building labeled "cottage" is an extra structure; upon questioning, it remained unclear whether the structure had water; it was stated that it does have electricity; the home in the back does have water and electricity, and the garage to be razed does have electricity Mr. Wider confirmed that the dwelling has a full foundation, basement, first floor, and dormers, and Mr. Sebastiano confirmed that the plan is to leave the foundation, and fill it in; Mr. Wider confirmed that the cottage has no basement, and is on piers. Members stated that they will need to determine if the cottage was an outbuilding or not, i.e. whether or not it has electricity and water. Mr. Lavoie stated that Bob Bullock, (Town of Norfolk Building Inspector and Zoning Enforcement Officer) had reviewed the original plans, and agreed that the cottage was a livable area, and the plan was "okay." Discussion ensued with regard to deed/ownership of the road, or "way." With no further questions from the Board, Mr. Kulesza opened the hearing to abutters. Edward Dever, of 2 Medway Ave stated that he had just put in leaching field and had to move it because he does not own to middle of the paper road he lives on, only to the edge. Mr. Dever stated that electricity to the cottage is coming from 15 Cottage Ave, via underground conduit; it does not have its own electrical service. Mr. Davenport stated that he is an abutter directly below the house being razed, and has many concerns with drainage (including from new driveway), change of grading, removal of trees, and debris from razing the house; Mr. Davenport stated he has no problem with rebuilding the house, just about how it's done. Rain comes straight down between houses, into his yard; there is lots of sand, removing trees will cause problems; would like retaining wall to be required. Ms. Davenport inquired about the existing retaining wall, and Mr. Lavoie clarified that

it is in front of the house, not on the Populatic-facing side. Mr. Lavoie stated that concerns with grading are why they moved the house forward from the original plan; they will look at discharging roof runoff directly into the ground, and directing driveway water into a catch basin, so it will not run overland. Mr. Hanssen emphasized that the Davenports' concerns are not only with the completed project, but with effects during construction. Mr. Lavoie noted that the applicant, Mr. Orlandi, works for Millbrook Homes, and does this for a living, has experience with this type of demolition. Mr. Lavoie stated that he could submit something in writing as to how they are planning to remove the house, and steps that will be taken to ensure that no debris will run over to the Davenports' property. Mr. Davenport expressed his concern with rain and no retention when trees come out and the grade, and was informed that haybales and silk fencing will be used. Mr. Davenport stated his concern that the hill is so steep, that if there is any disturbance of trees, it will be a landslide. Mr. Noonan stated that he is concerned about the boundary between his well and their septic; he is concerned about setting precedent with combining "footprints" on a property, and the potential for large houses going up; he is concerned about trees coming down, as they proved a windbreak for his property; and he is concerned about construction vehicles tearing up the road. Mr. Lavoie stated that he will check on the well/septic question, the Board of Health will have to approve septic in any case; Mr. Wider requested that the well and septic be shown on the next plan. The Board and Mr. Lavoie agreed to meet for a site visit at 4:00 P.M. on Wednesday, May 4; Mr. Lavoie will place stakes for the proposed house, and mark trees to come down.

Mr. Wider made a motion *to continue the Public Hearing with regard to 14 Cottage Avenue in the Rr-2 zoning district for a Special Permit pursuant to M.G.L. c. 40A, s.9, as amended, and Section F.4.b. of the Norfolk Zoning Bylaws to allow the demolition and reconstruction of an existing nonconforming single family residence, which does not violate those requirements to a greater extent than the original structure, until May 18, 2016, at 8:45 P.M.;* ***Mr. Sebastiano seconded; the vote on the motion was unanimous.***

Mr. Kulesza made a motion to adjourn the meeting at 8:15 P.M.; Mr. Wider seconded; the vote on the motion was unanimous.

ADMINISTRATIVE NOTE: 27 Pine Street , Extension of Special Permit
Applicant was on the schedule to come in, but it was determined that the permit is valid for a 2 year period of time, so the applicant was notified that he did not need to come in at this time.

Mr. Christopher Wider, 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.