

DRAFT

Zoning Board of Appeals

Town Hall, 19 Maple Avenue

Thursday, January 12, 2023

Special Meeting Minutes



1. Call to Order – 5:58 p.m.
2. Roll Call – Mary Reeve (Co-Chair), Dan Green (Co-Chair), Leo Colwell, Chris Peterson, Alan Boucher (Alternate seated for Robinson), Walter Godlewski (Alternate serving as Acting Secretary) and Michael Halloran (ZEO).

Public Hearing Minutes

6:00 p.m.

3. #002-22 Brian and Brenda Lilly, 105 Greenwoods Road East. Legal notice read into record. The Lillys provided Certificates of Mailing of legal notice for the hearing to abutting property owners (Exhibit A) and distributed a packet of correspondence (Exhibit B). Brenda Lilly stated that Brian Lilly has resided at the property full-time during the last two winters and intends to do so again this year. Brenda Lilly described the property as containing five separate bedroom suites, each of which has a sitting room and bathroom. Two suites, each of which also includes a sink, mini-refrigerator and hot plate, have been rented under one-year leases, one of which began July 1, 2022 and the other of which began November 1, 2022. Brenda Lilly explained that Norfolk's plans for gasoline spill remediation and storm drain excavation work currently call for the Lillys and their tenants to be removed from 105 Greenwoods Road East and relocated for three-to-six months beginning in April 2023. Brenda Lilly acknowledged that she and Brian Lilly only reside at the property part-time and asked that their tenants be permitted to remain at the property until they are relocated in connection with the remediation work.

Michael Halloran stated that Norfolk's regulations permit the letting of up to two bedrooms in an owner-occupied dwelling. He then provided a summary of Norfolk's regulations related to the letting of rooms, dating back to the 1970's, to illustrate that the right to let rooms has consistently been limited to those owners who also reside in the same dwelling, and that owner-occupied has historically been interpreted to mean a person's primary residence.

Walter Godlewski noted that owner-occupied is a term of art in real estate mortgage financing, requiring that an owner move into the acquired premises within 60 days of purchase and live there full-time for a year. Alan Boucher drew an analogy to the definition of residency for tax purposes which is generally deemed to be the dwelling where a person lives for the majority of

the year. Walter Godlewski asked the Lillys for clarification regarding the timing of their owner-occupied questions and the terms of their leases.

Keith Byrne introduced himself as the Town of Norfolk Fire Marshall and described his visits to 105 Greenwoods Road East, his evaluation of the premises, and his various correspondences with the Lillys. Byrne also described how the usage of the dwelling has changed and asserted that such changes have raised fire code compliance issues and concerns regarding the safety of the tenants.

Leo Colwell moved to close the public hearing at 6:38 p.m., which was seconded by Alan Boucher.

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4. Discussion, deliberation and vote. Norfolk Zoning Regulations Section 3.03-1C permits the letting of up to two bedrooms in an owner-occupied dwelling. The Lillys, by their own admission, only reside at the property on a part-time basis and, as a result, do not satisfy the provisions of the regulations. Leo Colwell made a motion to deny the applicants' appeal and affirm the Cease and Desist Order issued by the Zoning Enforcement Officer dated November 9, 2022. Chris Peterson seconded the motion and the board voted unanimously to approve the motion.

5. Adjournment – Mary Reeve moved for adjournment at 6:42 p.m.

Respectfully submitted,

Walter Godlewski
Acting Secretary