

The October 23, 2013 meeting of the Walpole Zoning Board of Appeals was held in the Main Meeting Room of Town Hall.

Chairman Susanne Murphy called the meeting to order at 7:00 P.M. with the following members present:

Susanne Murphy, Chairman
James M. Stanton, Vice Chairman
Daniel J. Cunningham, Jr., Clerk
Ted C. Case, Member
James S. DeCelle, Member

Matthew Zuker, Associate Member

7:00 p.m. – Timothy and Jennifer Sullivan – Case #15-13

Ms. Murphy read the public hearing notice for **TIMOTHY AND JENNIFER SULLIVAN, Case #15-13**, with respect to property located at 17 Sandra Rd., E. Walpole and shown on the Assessors Map as Lot No. 28-137, Residence A Zone.

The application is for:

A Variance from Section 6.B of the Zoning Bylaws to allow dimensional regulation relief to allow a 27.4 foot front setback where a 30 foot front setback is required.

Ms. Sullivan explained that they want to build a farmer's porch onto the front of their home. It will not be enclosed.

Ms. Murphy read comments from: Town Engineer, Margaret Walker, dated October 1, 2013; Deputy Fire Chief Laracy, dated September 25, 2013; Board of Health, dated October 9, 2013; Police Dept. Lt. Leland, dated October 7, 2013; and Conservation Commission, Landis Hershey, dated September 30, 2013.

Ms. Sullivan informed the Board that Dig Safe was contacted and they came out to the property.

Ms. Murphy read letters from abutters: Marvin Lacy, 19 Sandra Rd.; Michael and Susan Gallant, 18 Sandra Rd.; and Lisa and Chris Hardy, 15 Sandra Rd.

Mr. Zuker pointed out that under Section 6.C.11 of the Zoning Bylaws an unenclosed porch does not require a Variance or Special Permit.

The Board directed the secretary to send a memo to Jack Mee, Building commissioner as follows: The Zoning Board of Appeals, at its meeting of October 23, 2013, determined that a Variance, nor any other zoning relief is required for the proposed farmers porch per Zoning Bylaw Section 6.C.11 – Projections, which states “nothing herein shall prevent the projection of eaves, chimneys, or cornices not encroaching more than eighteen (18) inches into the setbacks, unclosed porches, porticos or stoops not encroaching more than forty-eight (48) inches into the setbacks, uncovered steps, window sills, or belt courses into any required setback area.”, per the

plans dated 9/08/13 presented at the public hearing. Therefore, no Zoning relief is required and a Building Permit may be issued.

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, to continue the hearing to November 6, 2013 at 7:45 p.m., pending a response from the Building Commissioner.

The vote was **5-0-0 in favor.** (Murphy, Stanton, Cunningham, Case, DeCelle voting)

7:30 p.m. – Acropolis Property Management – Case #16-13

Ms. Murphy read the public hearing notice for **ACROPOLIS PROPERTY MANAGEMENT, Case #16-13**, with respect to property located at **476 FISHER ST.**, Walpole and shown on the Assessors Map as Lot No. 9-27, Residence B Zone. (corrected to Rural)

The application is for:

A Special permit under Section 5.D of the Zoning Bylaws to allow the import of 990 yards of fill for the purpose of building a septic system and the grading of a new home to be set back 20 feet as per the engineering plan.

Mr. George Yousif explained the fill is for the septic system he is building and 250 yards of fill for regrading of the home.

Mr. DeCelle asked if there were any plans for the proposed use. The only fill per the plan is around the septic system. The only grading is around the septic system. The plan shows no new grading around where the house is going.

Mr. Yousif explained that the new house will be about 35 feet back. Mr. Yousif thought the plan showed the proposed grading.

Mr. DeCelle informed Mr. Yousif that the plan does not show the existing grade, or where the fill is going or what is there today including the piles of debris. He explained the Board also needs the final contours that go around the house.

Mr. Yousif explained someone illegally dumped asphalt and rock there. He called the police and there is a Police Report on file. The house is not occupied.

Ms. Murphy asked that Mr. Yousif bring the Police Report to the next meeting.

Mr. Case advised Mr. Yousif to seal off the property to keep people out.

The Board requested the applicant include the following information at the next hearing:

- 1) a plan showing what is there now including the piles of materials,
- 2) material that is being taken out,
- 3) how much material will be brought in,
- 4) a plan showing the final grades on the entire lot,
- 5) a comparison of what was there originally and what is proposed,
- 6) a certified test of the fill material,
- 7) bring in the permit for the septic system,

- 8) the lot needs to be cleaned up
- 9) install a fence around the property for safety
- 10) bring the Police Report to the next meeting

The Board required that all the above information be filed in the Zoning Office by November 22 for the Board's review prior to the continued hearing on December 11, 2013.

Ms. Murphy asked if there were any comments from the public.

Heather Towery, 468 Fisher St., had safety concerns about the lot and the debris because if children were to go onto the property they could get hurt. A stick and string sign saying No Trespassing was put up last in the week. She also informed the Board that she has seen dump trucks starting at 6:30 a.m. dumping fill onto the property.

Angelina Schepis, 465 Fisher St., said she looks forward to the property being cleaned up.

Ms. Murphy read the update from Jack Mee, Building Commissioner, dated October 18, 2013.

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, to continue the hearing to December 11, 2013 at 7:00 p.m.

The vote was **5-0-0 in favor.** (Murphy, Stanton, Cunningham, Case, DeCelle voting)

The Board asked Mr. Yousif if he would come to the Board's next meeting on November 6, 2013 at 6:45 p.m. to update the Board on the progress he has made on the site.

Mr. Yousif agreed to come in for that update.

There being no further business, the meeting adjourned at 8:30 p.m.

Daniel J. Cunningham, Jr.
Clerk

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Minutes were approved on March 26, 2014.