

The April 29, 2015 meeting of the Walpole Zoning Board of Appeals was held in the Main Meeting Room of the Town Hall.

Chairman Matthew Zuker called the meeting to order at 6:36 p.m. with the following members present:

Matthew Zuker, Chairman  
James DeCelle, Vice Chairman  
Craig W. Hiltz, Clerk  
Mary Jane Coffey, Member (not present)  
Susanne Murphy, Member (not present)  
Timothy Foley, Associate Member

Also present:  
Ilana Quirk, Town Counsel  
Maggie Walker, Town Engineer  
Liz Dennehy, Director of Community & Economic Development  
Jim Johnson, Town Administrator

Mr. Zuker declared the Board will be going into Executive Session to discuss litigation strategy known as 5<sup>th</sup> Fairway Development, LLC v. Walpole Zoning Board of Appeals, Housing Appeals Committee No. 2009-09, involving a proposed 40B Comprehensive Permit for land on Baker Street and to discuss litigation strategy regarding litigation known as Barberry Homes LLC v. Walpole Zoning Board of Appeals, Housing Appeals Committee No. 2014-01; and Town of Walpole, et al. v Barberry Homes, LLC, Land Court 2014 MISC 481399-AHS and Robertson v. Barberry Homes, LLC, Norfolk Superior Court NOCV2014-000129 involving a proposed 40B Comprehensive Permit for land on Moose Hill Road; and Thomas C. Taylor and Martha B. Taylor v Walpole Zoning Board. A discussion of the foregoing in open session could compromise the purpose for the executive session. He further stated the board will return to open session at the conclusion of the executive session.

A motion was made by Mr. DeCelle, seconded by Mr. Hiltz, to go into executive session, under G.L. c.30A, §21 (a)(3), for the purposes and reasons declared by Chairman and with the Zoning Board of Appeals to return to open session thereafter.

The vote was **4-0-0 in favor. (Mr. Zuker –Yes; Mr. DeCelle – Yes; Mr. Hiltz – Yes; Mr. Foley – Yes)**

The Board returned to open session at 7:23 p.m.

**Barberry Homes, LLC – Case #21-13 (DELIBERATION) (Zuker, DeCelle, Hiltz, Foley)**  
Mr. Zuker welcomed everyone to the April 29, 2015 hearing. He went on to say that the Public Hearing has been closed and the Board is in deliberation.

Town Counsel Ilana Quirk stated that she has previously given the Board a draft of the decision with the Boards revisions based upon the Public Hearing process for the Board's consideration. The Board received the draft permit yesterday to review. She went on to say she will briefly go through the issues.

- On page 6, paragraph 11 Barberry would like to add the word handicap
- On page 11 the introductory language needed to have some clarification and added language.
- On page 17, paragraph 17 there was a typographical error. It should have said 2014, not 2015. Also paragraph 21 on that same page should have said no waivers were sought from the Water and Sewer Department other than the fees addressed above.
- On Page 18, paragraph 23 regarding the architectural plans being provided to the Town Engineer, the Building Commissioner should also be added to that.
- On Page 19, paragraph 27 this was an issue in the Public Hearing process regarding the INI fees since the pump station was not discussed with Weston & Sampson. We would need to add another sentence that stated that post approval there should be another review at the Applicants expense.
- On page 20, paragraph 38 there needed to be some clarification regarding the stopping site distance. The Town Engineer confirmed that sheet C3 has the stopping distance shown.
- On page 20, paragraph 39 the Board needs to determine if they will ask for a bus shelter. The Board quickly voted 4-0-0 (Zuker, DeCelle, Hiltz, Foley) that no bus shelter shall be needed. As long as there is a safe spot for the children to wait for the bus they are appeased.
- On page 21, paragraph 50 in regards to the no on street parking
- On page 23, paragraph 6 there was a typo. It said Publish Works and it should have stated Public works.

Ms. Quirk went on to say, the Board needs to vote to deny, approve with these conditions or approve with no conditions.

Mr. Hiltz said to approve with these changes we just discussed correct.

Ms. Quirk said correct.

Mr. Zuker wanted to know if the Board had any additional comments they would like to add.

Mr. Hiltz mentioned that from where we started, we have come a very long way. In the best interest of the town this is a much better application then we had before.

Mr. Zuker stated that he is happy our Town Engineer is OK with everything. He has comfort in that the design is OK. He feels it might be too dense but it will work.

Mr. Hiltz said that he is happy with the number of reviews the Board and Town did and that we now have a workable plan.

A motion was made by Mr. DeCelle, seconded by Mr. Hiltz to approve the project with the terms and condition Barberry's Plan of Record as revised though April 9, 2015.

Roll call **vote 4-0-0 in favor** to accept the changes as outlined in the decision and approve the project with the terms and condition Barberry's Plan of record as revised through April 9, 2015 (Mr. Zuker – Aye; Mr. DeCelle – Aye; Mr. Hiltz – Aye; Mr. Foley – Aye)

A motion was made by Mr. Hiltz, seconded by Mr. DeCelle to authorize the Chairman to sign the decision on behalf of the Board.

Roll call **vote 4-0-0 in favor** to authorize the Chairman to sign the decision on behalf of the Board (Mr. Zuker – Aye; Mr. DeCelle – Aye; Mr. Hiltz – Aye; Mr. Foley – Aye)

A motion was made by Mr. Foley, seconded by Mr. DeCelle to adjourn the meeting at 7:53 pm.

The vote was **4-0-0** (Zuker, DeCelle, Hiltz, Foley voting) in favor

Craig W. Hiltz  
Clerk

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Minutes were approved on May 13, 2015.