

The August 18, 2010 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 (not present)
James S. DeCelle, Member (not present)

Meg Kundert, Associate Member
Matthew Zuker, Associate member

7:00 p.m. – Francis Harvey & Sons, Inc. – Case #09-10

Ms. Murphy read the public hearing notice for **Francis Harvey & Sons, Inc., Case #09-10**, with respect to property located at 36 Cobble Knoll Dr., Walpole and shown on the Assessors Map as Lot No. 58-10, Rural Zone.

The application is for:

A Variance from Section 6-B of the Zoning Bylaws to allow relief from the setback requirement to allow construction of a 3-season room within the side setback. The required setback is 25 feet; the request is for approval of 17.1 feet at one corner of the structure.

Daniel Greene, the contractor, introduced himself and the home owner, Bruce Goral. Mr. Greene explained that the homeowner wishes to have a three season room built onto his garage which would keep the roof line consistent with the existing structure as designated on the plans. The new structure will not take away from the character of the neighborhood and will actually enhance the value of this property and the neighboring properties. The existing driveway is on the front of the house on Cobble Knoll Drive.

Mr. Cunningham asked why the room cannot be built to the right of the garage which would not require a Variance.

Mr. Greene said that the septic tank, bulk head and kitchen are located there. The layout of the kitchen would have to be changed.

Mr. Goral said the corner of the septic tank is about 15 feet from the back of the house.

Mr. Stanton asked if the deck could be moved which would make space for the new construction. The applicant needs to show a hardship based on the lot.

Mr. Greene explained they are trying to keep the roofline of the garage and tie the construction into the existing wall which would keep the integrity of the existing structure. He is not sure the connection would meet the building code if moved elsewhere. He said he was told by the Board

of Health that all he needed to do to give the location of the septic tank was to draw where it is on the existing plan.

Ms. Kundert thought they could give it more creative thinking in order to situate the addition where it does not need a Variance.

Ms. Murphy informed the applicant that the Board cannot approve the request without knowing where the septic tank is located and suggested he get proof of location either from the Board of Health or his engineer.

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, to continue the hearing to September 8, 2010 at 6:45 p.m.

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

7:30 p.m. – Antonio Alves – Case #10-10

Ms. Murphy read the public hearing notice for **Antonio Alves, Case #10-10**, with respect to property located at 199 West St., Walpole and shown on the Assessors Map as Lot No. 33-3, Industrial Zone.

The application is for:

Special Permit under Section 9.3.C of the Zoning Bylaws to allow greater than 50% expansion of an existing non-conforming residential use.

Mr. Alves explained the driveway is on the right side of the house and he wants to add on a two-car garage with a master bedroom and family room above for his growing family. The construction is approximately 65% of the existing structure.

Ms. Murphy asked if there were any comments from the public; there being none,

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, on behalf of the applicant to close the public hearing.

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

A motion was made by Ms. Murphy and seconded by Mr. Cunningham on behalf of the applicant to grant a Special Permit under Section 9.3.C of the Zoning Bylaws to allow greater than 50% expansion of an existing non-conforming residential use.

The vote was **5-0-0 in favor;** therefore the application for a **Special Permit is hereby granted,** subject to the following conditions: (Murphy, Stanton, Cunningham, Kundert, Zuker voting)

CONDITIONS:

1. There shall be no cone of light from the newly constructed premises shining into the neighboring residential property.
2. The siding shall be consistent with the abutting structure.

3. The construction shall be built consistent with the plan submitted at the public hearing.
4. This Special Permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under G.L.c.40A, Section 17, if substantial use has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

REASONS:

It is the finding of the Board that the applicant has met the requirements under Section 3B of the Zoning Bylaws in that:

- i. ***Shall not have vehicular and pedestrian traffic of a type and quantity so as to adversely affect the immediate neighborhood.***
The construction shall not cause vehicular and pedestrian traffic of a type and quantity so as to adversely affect the immediate neighborhood.
- ii. ***Shall not have a number of residents, employees, customers, or visitors, so as to adversely affect the immediate neighborhood.***
The construction shall not have a number of residents, employees, customers, or visitors, so as to adversely affect the immediate neighborhood.
- iii. ***Shall not have a greater lot coverage than allowed in the zoning district in which the premises is located (refer to Section 4-B).***
The construction shall not have a greater lot coverage than allowed in the zoning district in which the premises is located except as allowed by this Special Permit and in accordance with Condition #3.
- iv. ***Shall not be dangerous to the immediate neighborhood of the premises through fire, explosion, emission of wastes, or other causes.***
The construction shall not be dangerous to the immediate neighborhood of the premises through fire, explosion, emission of wastes, or other causes.
- v. ***Shall not create such noise, vibration, dust, heat, smoke, fumes, odor, glare or other nuisance or serious hazard so as to adversely affect the immediate neighborhood.***
The construction shall not create such noise, vibration, dust, heat, smoke, fumes, odor, glare or other nuisance or serious hazard so as to adversely affect the immediate neighborhood.
- vi. ***Shall not adversely effect the character of the immediate neighborhood.***
The construction shall not adversely effect the character of the immediate neighborhood.
- vii. ***Shall not be incompatible with the purpose of the zoning bylaw or the purpose of the zoning district in which the premises is located.***
The construction shall not be incompatible with the purpose of the zoning bylaw or the purpose of the zoning district in which the premises is located.

The grant of relief under this decision is limited to the relief expressly granted hereunder; and any other relief sought is hereby denied.

MINUTES

May 12, 2010

A motion was made by Ms. Murphy, seconded by Ms. Kundert, to approve the minutes of May 12, 2010 as written.

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

June 9, 2010

A motion was made by Ms. Murphy, seconded by Ms. Kundert, to approve the minutes of June 9, 2010 as written.

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

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

Daniel J. Cunningham, Jr.
Clerk

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Minutes were approved on October 13, 2010.