



# **Town of Walpole Commonwealth of Massachusetts Zoning Board of Appeals**

**Zoning Board of Appeals**  
*John Lee, Chair*  
*Drew Delaney, Vice Chair*  
*Robert Fitzgerald, Clerk*  
*Mary Jane Coffey, Member*  
*David Anderson, Member*  
*Judith Conroy, Assoc. Member*  
*Timothy Hoegler, Assoc. Member*  
*Mark Major, Assoc. Member*

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## **MINUTES WALPOLE ZONING BOARD OF APPEALS November 17, 2021**

Present: John Lee (Chair), Robert Fitzgerald (Clerk), Drew Delaney (Vice Chair), Judith Conroy (Associate Member), Timothy Hoegler (Associate Member), and Mark Major (Associate Member).

Absent: Mary Jane Coffey, David Anderson

Also in attendance was applicant Eric McGraw and Deputy Building Inspector Jim Crowley.

Mr. Lee called the meeting to order at 7:00 P.M. and read the public hearing notice.

**Case No. 21-17, Jessica McGraw, 8 Briarwood Lane, Special Permit under Section 5.B.2. of the ZBL to allow the construction of an Accessory In-Law Suite as an accessory to an owner occupied, single family dwelling.**

Mr. Lee read comments from Deputy Fire Chief Paul Barry, stating that in the event that the special permit is approved, building plans will need to be submitted to the Fire Department for an inspection for compliance with safety guidelines prior to occupancy.

Mr. Lee read comments from Town Engineer Carl Balduf, stating that upon inspection of the proposed plan, it appears that a separate recharge will need to be added behind the proposed mudroom in order to comply with safety standards.

Mr. McGraw, the applicant, explained the details of his proposed plan. The property is a three-bedroom Cape Cod-style home with a breezeway and a two-car garage. His proposal is to construct an in-law suite off the back of the garage.

Mr. McGraw expressed a willingness to comply with Town Engineer Carl Balduf's insistence on an additional recharge behind the mudroom. Mr. Lee suggested making that addition a condition of the special permit approval.

Mr. Lee stated that according to the bylaws, an in-law addition may not exceed 1,000 sq. ft. or 33% of the size of the existing house. Mr. McGraw stated that his proposed addition would equal about 654.5 sq. ft., which is about 31% of the house's size, complying with the regulations.

Mr. Fitzgerald asked about the size of the septic system. Mr. McGraw stated that the current septic system is designed to handle a four-bedroom house, which the home will be after all the in-law suite

Deputy Building Inspector, Jim Crowley stated that he agrees with the Town Engineer's stormwater recharge concern, but aside from that he has no concerns with the proposal.

Ms. Conroy asked if the Board of Health had approved the septic plan. Mr. McGraw stated that they had.

Mr. Lee stated that part of the Board's conditions will be that in the house remains a four-bedroom home so it does not exceed the septic system's capacity.

Ms. Conroy asked the Board if the applicant should have something in writing from the Board of Health stating approval. Mr. Lee said that the Board of Health had the opportunity to make comments, and the lack of any shows that they did not have any pressing concerns. Ms. Conroy stated that moving forward she would prefer that decision-making bodies give the ZBA approval in writing to be safe.

Mr. McGraw stated that he has informed all abutters of the project and has not received any complaints or disapproval regarding construction.

Mr. Delaney asked if the applicant plans to add parking to the in-law's side of the house after renovations are completed. Mr. McGraw stated that he intends to add an extension to the current driveway to add another parking space on the side.

Mr. Lee asked how one would be able to get from the main area of the house to the in-law suite. Mr. McGraw stated that there is a doorway connecting the in-law's staircase to the main house's mudroom. Ms. Conroy stated that typically in-law suites do not have a door separating the two parts of the building, and that this set-up is more indicative of a two-family house. Mr. Lee stated that he will add a condition stipulating that there is no door separating the in-law suite from the rest of the house, just an open door frame. Mr. McGraw accepted the condition.

Mr. Lee listed the three conditions of the Zoning Board's approval of the applicant's special permit: drains on the proposed mudroom roof and existing roof to the rear will drain to the Cultec system, the house will become and always remain a four-bedroom home, and there will be a 36-inch opening instead of a door separating the in-law suite from the rest of the house.

**Motion** by Mr. Delaney and seconded by Mr. Fitzgerald to close the public hearing.

The motion carried 5-0-0 (Lee-aye; Delaney-aye; Fitzgerald-aye; Hoegler-aye; Major-aye)

**Motion** by Mr. Delaney and seconded by Mr. Fitzgerald to approve the special permit for the construction of an in-law suite at 8 Briarwood Lane, referencing the plan dated November 9<sup>th</sup> 2021 by RIM Engineering and the set of plans dated May 10<sup>th</sup> 2021 by Narlee Design with standard conditions and the three aforementioned conditions.

The motion carried 5-0-0 (Lee-aye; Delaney-aye; Fitzgerald-aye; Hoegler-aye; Major-aye)

Mr. Lee announced that the Zoning Board will file the decision with the Town Clerk and that there will be a twenty-day appeals period to give abutters a chance to file any complaints, after which the applicant may receive his permit from the building inspector.

#### **Minutes Review 10/6/21, 10/13/21**

Ms. Conroy had concerns with the phrasing of "tentatively scheduled" in regards to future meetings, as meetings are either scheduled or not. The correction was noted and will be revised.

**Motion** by Mr. Fitzgerald and seconded by Mr. Majors to accept the 10/6/21 and 10/13/21 meeting minutes as amended.

The motion carried 5-0-0 (Lee-aye; Delaney-aye; Fitzgerald-aye; Hoegler-aye; Major-aye).

The next meeting is scheduled for December 6<sup>th</sup> 2021.

**Adjournment**

**Motion** by Mr. Hoegler and seconded by Mr. Majors to adjourn.

The motion carried 5-0-0 (Lee-aye; Delaney-aye; Fitzgerald-aye; Hoegler-aye; Major-aye).

The meeting was adjourned at 7:45 P.M.

Respectfully Submitted: Kevin Sanderson