

The April 14, 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
Ted C. Case, Vice Chairman
Daniel J. Cunningham, Jr., Clerk
James M. Stanton, Member
James S. DeCelle, Member

Meg Kundert, Associate Member
Matthew Zuker, Associate Member (not present)

7:00 p.m. – S. M. Lorusso & Sons, Inc. – Case #04-10

Ms. Murphy read the public hearing notice for **S. M. LORUSSO & SONS, INC., Case #14-10**, with respect to property located at 221 Norfolk St., Walpole and shown on the Assessors Map as Lot No. 32-46, Limited Manufacturing Zone.

The application is for:

Special Permit under Section 5.B.4.e of the Zoning Bylaws to allow the sale of automobiles, trucks and equipment. There will not be a salesroom.

Tony Lorusso, the applicant, explained he has a truck garage/repair facility for heavy equipment and trucks on Norfolk St. and intends to sell an occasional car. There would be no sales room and no addition would be built.

Mr. DeCelle asked if there is additional parking required for this use? The plan submitted at the public hearing is 14 years old and is not an “as built”. Mr. DeCelle required a plan that shows the existing building, existing parking and required parking under the current bylaws.

Mr. Lorusso said there are parking spaces in the front, on the side and a number of acres of land in the rear. The largest vehicle would be a pick up truck with a for sale sign on it. He would not put any large equipment for sale in the front of the property.

Mr. Case was concerned because the approval stays with the property and another person may not use it as he intends to use it.

Mr. Lorusso asked to withdraw the application without prejudice because he does not want to invest in a new plan.

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, on behalf of the applicant, S. M. Lorusso & Sons, Inc., to grant a request to withdraw without prejudice Case #04-10.

The vote was **5-0-0 in favor**; therefore the application for Case #04-10 is hereby **withdrawn without prejudice**. (Murphy, Case, Cunningham, Stanton, DeCelle voting)

REASONS FOR DECISION:

It is the finding of the Board that the applicant requested withdrawal without prejudice at the hearing on April 14, 2010 and the Board had no reason to deny the request.

This decision is consistent with the purpose and intent of the Zoning By-Laws.

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

DISCUSSIONS:

5th Fairway – Mr. Higgins Letter

The Board instructed the secretary to write to Mr. Higgins and inform him that the Board cannot comment on his letters of March 24 and April 9, 2010 because of the on-going litigation for this case.

July through December Meeting Schedule

July 12, August 18, September 8 and 22, October 13 and 27, November 10 and December 8.

Minutes

A motion was made by Mr. Case, seconded by Mr. Cunningham, to approve the minutes of January 20, 2010 as written.

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

A motion was made by Mr. Case, seconded by Mr. Cunningham, to approve the minutes of February 24, 2010 as written.

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

A motion was made by Ms. Murphy, seconded by Mr. Case, to approve the executive session minutes of February 24, 2010 as written.

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

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, to approve the minutes of March 24, 2010 as written.

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

There being no further business, the meeting was closed at 9:00 p.m.

Daniel J. Cunningham, Jr.
Clerk

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Minutes were approved on June 9, 2010.