

WALPOLE ZONING BOARD OF APPEALS MINUTES OF NOVEMBER 15, 2017

A meeting of the Walpole Zoning Board of Appeals was held on Wednesday, November 15, 2017 at 7:00 p.m. in the Main Meeting room at Walpole Town Hall. The following members were present: Matthew Zuker, Chairman; Craig Hiltz, James DeCelle, Vice Chairman; Clerk; Susanne Murphy, Mary Jane Coffey

Zuker opened the meeting at 7:03 PM

7:04 PM:

Case No. 21-17, Edwin Fraser, 71 Harvard Street, Special Permit Request:

Zuker opened the hearing, Applicant Edwin Fraser was present, along with Tom Connor. It was explained to the Board that the Applicant is seeking a Special Permit under Section 5-B.2. of the Zoning Bylaw for the addition of an in-law suite to be constructed off of the back of the existing single family dwelling of the Connor residence. The proposed in-law suite would allow Mr. Fraser to stay residing in Walpole, Ma. The existing square footage is 15,000 sqft. +/-, with the proposed addition to be 630 sqft. It was stated the property is already a nonconforming lot due not meeting setbacks, however, the proposed in-law suite will not create any additional nonconformities. Zuker read comments from other Boards, which consisted of comments from Conservation, Engineering and Fire. The plans submitted at the hearing dated 8/30/17 "Connor Residence Residential Addition, 71 Harvard Street, Walpole, MA 02081" by Riverview Home Design Group, LLC and stamped by Matthew C. Carlton show that the design and architecture of the proposed in-law suite keep in character with the house, and also with the harmony of the neighborhood. Zuker asked if there were stamped plans, in which Mr. Conner stated that they were submitted and have been reviewed by the Building Commissioner Dave Norton, and Town Engineer, Maggie Walker, Mr. Norton came up to the podium and verified that he has viewed the engineered stamped plans. Murphy motioned to close the hearing, seconded by Coffey, the motion carried 5-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey). The Board discussed conditions and findings of the case, Hiltz made a motion on behalf of the Applicant to grant the Special Permit under Section 5-B.2. of the Zoning Bylaw to allow the addition of an in-law suite, with the conditions and findings previously discussed, seconded by DeCelle, the motion carried 5-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey)

7:30 PM

Case No. 22-17, Wall Street Development, Off Union Street, Special Permit Request:

Zuker opened the hearing, the Applicant, Lou Petrozzi was present, Zuker read a letter submitted from the Applicant dated 11/3/2017 requesting to continue the hearing without testimony to the next meeting of December 6, 2017 at 7:00 PM. However, due to two Board members scheduled to be absent on December 6, 2017, the Applicant requested at the hearing to continue the hearing without testimony to January 3, 2017 at 7:00 PM. Zuker made a motion to accept the Applicant's request to continue without testimony to 1/3/17 at 7:00 PM, seconded by Hiltz, the motion carried 5-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey)

7:33 PM

Case No. 23-16, Wall Street Development, 48 Burns Ave, Special Permit Request:

Zucker opened the hearing, Applicant Lou Petrozzi of Wall Street Development was present, along with William Scully of Green International Affiliates, Inc. Petrozzi explained to the Board that he had a successful meeting with the neighbors of the Burns Ave. neighborhood since the last hearing, and explained the major revisions and additional supplemental information that was submitted on 10/31/2017. The major revisions were stated as follows:

- Proposing twelve (12) units instead of fourteen (14), four (4) units to abut the south side, with eight (8) units on the side that abuts conservation land/ Brook Ln.
- the proposed houses have been moved to comply with the Boards request with a 30 ft. rearward setback and a 20 ft. sideyard setback
- Proposal to overlay the entire roadway of Burns Ave. On the revision plan, the proposed roadway is pushed as close to his property and development as possible, with a proposal to improve the sidewalk and extend the sidewalk to the development. Due to previous drainage issues being raised, mitigation was proposed to implement a catch basin midway down the Burns Ave. roadway that would be piped to the already proposed detention basins . Water would be held in the detention basin up to 72 hrs. to eliminate the amount of sheet run off to the end of Burns, and would also make sure that Burns Ave. would be a 24 ft. width all the way down.
- Incorporating all of the recommendations that have been made (stop signs, handicap accessible, traffic signs on Union St, striped crosswalk).
- Due to concerns regarding the homes on Brook Ln. would have an impeded view due to trees being cut down, the Applicant has incorporated tree buffers on corner of property (installing 4-6 ft. height, 20 ft. wide berm). A Proposed 1.5 story design rather than 2 story design to limit encroaching. A Proposed similar tree buffer along the south side of the project site (or a privacy fence) at the discretion of the abutter. Also, based on revised grading, a brook paver patio is proposed rather than the previously proposed elevated deck.

Other submitted information included:

- Study on number of school children living in development.
- Updated fiscal impact statement (amt. of school children/ number of services/ municipal costs of development= 0 due to Homeowners Association/ tax revenue to Town (projected town will be getting additional \$62,000 in revenue once the project is completed).
- Compilation of Zoning Bylaws from 1914 to current for Town of Walpole
- Traffic:

At the last hearing, the Board requested 3specific things related to traffic:

1. Additional traffic data on Pleasant St.
2. Anything they can do for mitigation on Pleasant St.
3. Peak hour ques stopping at Burns Ave.

Scully explained to the Board the proposed mitigation plan offsite, which is as follows;

Stop control w. signage and markings, ADA complaint crossing on Pleasant St. at Burns Ave., Intersection advance warning signs on Pleasant St. and Speed zone motorist reminder with LED (due to speed limit being 30 MPH, and average speed is 34MPH).

Zuker asked what the Applicant did for an additional study, in which Mr. Scully stated that supplemental information and data was gathered by having tubes lay across Pleasant St. for a twenty-four (24) hr. period. Zuker asked if there was any crash data, Mr. Scully stated that there were no reported crashes at Burns Ave., and a few at the corner of Pleasant and Union according to the 2014 data. Hiltz asked what the peak queuing of Pleasant St. northbound to Union was, Mr. Scully stated that it was 200 ft. Hiltz asked what the site distance requirement was coming out of Burns Ave., Mr. Scully stated 200 ft. Zuker asked if there is any mitigation that could be done from that standpoint, Mr. Scully mentioned “warning ahead” signs and speed reminders. Zuker read comments from other Boards based on the most recent revised plans, comments were read from Fire, Board of Health and Engineering. Zuker opened the meeting up for public comment, which is as follows:

Ms. Maguire of 158 Union St:

- concerns about increased traffic, ledge and underground water

Ms. Campbell of 35 Burns Ave:

- Submitted plot plan, claims that Lou Petrozzi and Rob Truax from GLM Engineering have moved the metes and bounds of her property to create the 100 ft. of needed frontage.

Ms. Hayes of 8 Brook Ln:

- Submitted minutes from the neighborhood meeting with Petrozzi and addressed concerns regarding safety, screening, homes imposing on hers.

Mr. Conroy, property owner on Burns Ave:

- addressed his submittal to the Board
- submitted a copy of Article 29 from Town Meeting 10/16/2017 regarding Zoning Bylaw Section 6-c.4.a

Ms. Barrows of 189 Union St:

- CMG report – what did they actually test for?
-grading of houses to be higher than her house
- sample houses, has noticed that most of them are 1 car garages, raised the question regarding proposed garages

Petrozzi explained that with the reduced density and increased setbacks and sideyard requirements, some of the units (either the depth or the width will not permit a 2 car garage). Each house will have to be individually designed.

Mr. Coffskey of 29 Burns Ave:

- catch basins and retention pond question

Mr. Drummy of 120 Pleasant St.:

- Traffic concerns, specifically construction traffic and soil testing

Petrozzi responded and stated that no anticipated trucking will be going offsite, it will be processed onsite, the only material that will be leaving is metal debris and anything unsuitable for fill

Ms. Murray of 132 Pleasant St.:

- traffic concerns, backed up traffic due to the already existing stop signs

Zuker addressed recommendations from the CMG report submitted, and asked the Applicant if they actually did soil samples at the site? Petrozzi stated no, they were not required due to the site being exempt, and due to the report did not have exceeding levels of contaminants that required a soil sample.

Zuker asked if phase 1 or Phase 2 hasn't been done yet? Petrozzi stated no.

Coffey stated that she would like to see additional testing, and expressed her concern about the raising of the water level due to the removal of trees. Petrozzi stated that he is willing to make the additional testing a condition of approval, as he has had town engineer witness testing, and has incorporated significant stormwater management items to avoid water in basements etc.

Zuker stated that the frontage issue has yet to be resolved, DeCelle stated that the only way to rectify this matter is to hire another surveyor to either prove that GLM Engineering's plan is wrong (or correct), and that the matter itself is a civil matter.

Building Commissioner Dave Norton stated that it's ultimately his decision to make the determination if the Applicant has the proper frontage or not. The Board has the right to order another surveyor or the Campbell's need to provide a surveyed plan, and at this time the Campbell's have not provided a surveyed plan.

Mr. Conroy: stated that the original ANR plan and the one presented now are different Petrozzi stated that he has offered to pay for an attorney and an engineer or their (the Campbells') choice up to \$1000.00, and to continue the hearing to January 3, 2018 at 7:00 PM in order to give them time to hire someone and have the property surveyed.

Hiltz stated that the Applicant provided a lot of information regarding the newly submitted material, that it's very helpful, and lots of his questions and concerns have been substantially addressed. Hiltz expressed that he would like to keep this case open while the other case 22-17 is open as well.

Murphy and Coffey stated that they do not need any more information regarding the case, besides another surveyed plan.

Petrozzi requested to the Board to continue the hearing until January 3, 2017 at 7:00 PM, Zuker made a motion on behalf of the applicant to accept the continuation to January 3, 2017 at 7:00 PM, seconded by DeCelle, the motion carried 5-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey)

Zuker made a motion to adjourn the meeting, seconded by Murphy. The vote carried 5-0-0 (Zuker, Hiltz, DeCelle, Coffey, Murphy)

The meeting adjourned at 10:30 p.m.