

WALPOLE ZONING BOARD OF APPEALS MINUTES OF March 1, 2017

A regular meeting of the Walpole Zoning Board of Appeals was held on Wednesday, March 1, 2017 at 7:00 p.m. in the Main Meeting Room at Town Hall. The following members were present: Matthew Zuker, Chairman; James DeCelle, Vice Chairman; Craig Hiltz, Clerk; Susanne Murphy; Mary-Jane Coffey, and Robert Fitzgerald

Mr. Zuker opened the meeting at 7:00 PM

At 7:05 p.m. Craig Hiltz excused himself from the hearing and did not participate in the Board's discussion and vote for the following cases: Verizon Wireless, 25 Industrial Road, Case No. 03-17.

Case No. 03-17, Verizon Wireless, 25 Industrial Road, Special Permit & Variance Request:

Attorney Josh Lanzet, representing Verizon Wireless was present and went before the Board to explain that a Special Permit under Section 10-F of the Zoning bylaw is needed for the construction of a 100 ft. high tower for a cellular/wireless communication site, along with a Variance under Section 10-F(4)(B) to appropriately allow a wireless service facility to be located on the property. Mr. Lanzet explained that the proposed tower is designed to crumble/ cave in towards itself, making it safe for the surrounding footage and setback areas, even though the proposed site consists of less of a setback than the Bylaw guidelines. Mr. Zuker addressed comments from other Boards, which included comments from the Town Engineer and the Fire Department. The revised plans were presented, which included the following change made; bigger parking that is graded to the road, making there no needs for a curb cut, as the Town Engineers comment's requested. The Board discussed the application for a Variance, and determined that a Variance is not needed for this specific case. The Board stated that to go forward with the Special Permit, that they would like to following conditions in place based on the comments from the Fire Department; site access that shall accommodate Walpole Fire apparatus, provide each of the Fire Departments' four groups with training and site familiarization and for the applicant to work with the Town in locating a repeater system and/or antenna at the site location to enhance Public Safety Communications System; if it is determined the need is there or if the need arises; routine/ regular site maintenance (as agreed to by applicant); and to construct exactly how it was built on the plan. **Ms. Murphy made a motion to withdraw the applicants' Variance Request, the motion was seconded by Mr. DeCelle. The vote carried 5-0-0. (Zuker, DeCelle, Murphy, Coffey, Fitzgerald) Ms. Murphy made a motion to close the hearing, the motion was seconded by Mr. DeCelle. The vote carried 5-0-0. (Zuker, DeCelle, Muphy, Coffey, Fitzgerald). Mr Zucker made a motion to accept the Special Permit with the conditions in place, the motion was seconded by Ms. Coffey. The vote carried 5-0-0 (Zuker, DeCelle, Muphy, Coffey, Fitzgerald).**

At 7:35 p.m. Craig Hiltz re-joined the Board in order to participate in the remaining discussions and votes for the remaining cases; Case No. 05-17- Home for Little Wanderers, Case No. 04-17- Walsh Brothers Building Co., Case No. 22-16- William Corbo, Case No.03-16- McSharry Brothers Inc.

Case No. 04-17, Walsh Bros. Building Co., 234 Stone Street, Special Permit Request:

Attorney Louis Caccavaro representing the Walsh Brothers was present, along with Robert Truax from GLM Engineering and went before the Board to explain their request for a Special Permit to allow more than one principal building on a lot located in the GR district. They are seeking to construct 3 single dwelling units within the parcel which has an area of 30,167 sq. ft. under Section 6.C.4.A of the Zoning Bylaw. Board comments were read, which consisted of comments from the Town Engineer, the Sewer/water Dept. and Board of Health. The Board was presented with revised plans by Mr. Truax, which consisted of more screening with vegetation on the property, a wooden fence for more privacy, along with a number of other changes that were referenced in the Town Engineers comments. Mr. Truax stated that the revised plans have not yet been reviewed by the Town Engineer, and therefore there were no comments provided pertaining to the revised plan, only the original. Mr. Zuker asked about soil testing, in which Mr. Truax stated that there has been soil testing done on the property. The hearing was then opened up to the public for input, in which Judy Holbrook of 12 Maria Ln., Dave & Lindsey Mackey of 246 Stone St., John & Robert O'Leary of 776 Washington Street, Hunt Bergen of 16 Marisa Ln., and Pat Jackson of 16 Delcor Dr., Geraldine O'Farrell of 32 Marisa Ln., expressed their general concerns regarding the following; the square footage of the proposed houses being "too large" and nonconforming to the surrounding neighborhood, the increased density the proposed project would create, privacy/ noise issues, airborne hazardous materials during construction, flooding/ change in water-table, parking/ the increase of the number of cars, and cutting of trees/ shading. Bob Bushway of 228 Stone street expressed his support of the project, along with Christopher Jackson of Delcor Drive. Mr. Truax went on to explain and answer some of the questions the public had, in which he informed the public and the Board that no foundations are going into the groundwater table, shading and fencing are being provided, the parking for the project is within the guidelines that is allowed, the square footage of the projects are only slightly larger than other homes in the neighborhood, and that required protocol would be in place during the construction in regards to hazardous materials. After hearing public input, and the response by Mr. Truax, the Board agreed that they want the comments of the Town Engineer regarding the revised plans. **Ms. Murphy made a motion to continue the hearing to March 15, 2017 at 7:00 p.m., the motion was seconded by Ms. Coffey. The vote carried 6-0-0. (Zuker, Hiltz, DeCelle, Murphy, Coffey, Fitzgerald)**

Case No. 05-17, Home for Little Wanderers, 380 Lincoln Road, Special Permit Request:

Attorney Jonathan Ash, representing Home for Little Wanderers was present and went before the board to explain their intention to increase the number of student residents at the establishment, from 8 to 12. He stated that in the decision from 1994, the reason for limiting the amount of student residents to 8 was due to the septic system guidelines that were in place. In order to increase the number of students, the applicant stated that they seek to install a septic system that would accommodate up to 12 student residents under the Title V and Walpole Board of Health regulations. Mr. Zuker read comments from other Boards, which included input from the Fire Department, Town Engineer, and extensive comments from the Police Department. The Board discussed their grave concern for the safety of the residents, staff, and first responders, which was mentioned in the Police Department comments also. Yolanda Cloete (campus director) and Lesli Suggs (V.P. of program operations) were

also present, and went before the Board to explain that even though they are seeking to increase the amount of student residents to 12, not all student residents are occupying the establishment at the very same time, due to school, work and sport schedules that differ with every student resident. Jonathan Ash added that 2 out of the 3 police calls made from the Home for Little Wanderers in 2016 were medical related, and that there had been 3 calls to the police so far in the year 2017. Mr. Zuker asked what the age range of the intended increase of student residents would be, which Yolanda stated 16.5-18.5 years of age. Mr. Zuker then asked how many student residents in the Duggan house are between the ages of 16.5-18.5 years of age, in which Yolanda stated that there were approximately 20. The question was raised regarding if new hires were necessary due to the possible student resident increase, which Jonathan Ash explained that they would seek to have only one new hire, even though there would be a 4 student resident increase. The question was raised about the possible lack of staffing in regards to staff to student ratio, in which Jonathan Ash explained that the current ratio is 3 student residents to 1 staff member during the day, and 1 staff member to 6 student residents during the night. The Board then requested public input. Dwayne Rice (350 Lincoln Rd.) expressed that he was opposed to the student resident increase and commented that the amount of noise and foul language is loud and distracting enough as is with 8 student residents currently. Mr. Hiltz asked Mr. Rice if there was any public safety concerns other than foul language, in which he replied that there is more traffic than what was originally told, and also that the student residents are leaving trash on peoples' property and along the streets near the Home for Little Wanderers, in which the neighbors try and dispose of daily due to the large amount. Mark Clarkson (11 Plain St.) expressed that he was originally told by the establishment that there would be no more than 40 staff on a shift at any one time, and he believes that there is indeed more than 40 present daily due to the large amount of through traffic. He also commented that the trash situation has been getting worse by the days, and witnesses the student residents leave their trash on the ground and continue to throw their trash over the fence on to others property. Ms. Coffey commented that her stance on the matter is that increasing the student residents from 8-12 creates a set up for increased acuity from a safety standpoint, and also that the staff to student resident ratio is extremely low, which can lead to a critical mass with high density. Therefore, Ms. Coffey stated that she is opposed to the student resident increase, and that it is not a good or a safe decision to go forward with this matter. Mr. Zuker stated that he wants more input from the Police Department regarding a public safety standpoint. Mr. Hiltz wants the applicants to meet with public safety and develop a plan about how they would operate with an increase of 12 student residents. Mr. Fitzgerald stated that there seems to be a large discrepancy in regards to the nature of the police calls according to the applicants compared to the Police Department based on the departments' comments.

Mr. Zuker made a motion to continue the hearing to April 19, 2017 with the understanding that a member of the Walpole Police Department will present for input. The motion was seconded by Ms. Murphy . The vote carried 6-0-0 (Zuker, Hiltz, DeCelle, Murphy, Coffey, Fitzgerald).

At 10:00 p.m. Robert Fitzgerald excused himself from the hearing and did not participate in the Board's discussion and vote for the following cases: William Corbo, Case No. 22-16; McSharry Brothers Inc., Case No. 03-16

Case No. 22-16, William Corbo, 1000 West Street, Special Permit Request:

Attorney William O'Connell, representing William Corbo was present, and explained that he is looking to acquire a Special Permit to allow the detached cottage to be occupied and used as a lawful non-conforming residence, or in the alternative, conversion of the primary residence and cottage for use as a two family. Mr. O'Connell explained that the cottage was permitted as a guest house in 1996, which qualifies it under a pre-existing, non-conforming use. Mr. Zuker acknowledged that he has received a list of 12 abutters that are in favor of the proposed Special Permit. There are some different interpretations among the Board in regards to this case, in which Mr. Zuker suggested that the advice of Town Counsel should be called upon in order to render the correct determination for this case, in which all of the present Board members agreed. The hearing was opened up for public input, in which Mr. Robert O'Leary from 776 Washington St. addressed his interpretation of the Zoning Bylaw. **Ms. Murphy made a motion to accept the applicants' request to continue to March 15, 2017 at 7:00 p.m., the motion was seconded by Mr. DeCelle. The vote carried 5-0-0. (Zuker, Hiltz, Decelle, Murphy, Coffey)**

Case No. 03-16, McSharry Brothers Inc., Vacant land off of Pleasant Street, Special Permit Request:

Attorney Phil Macchi, representing McSharry Brothers Inc., was present, and presented the Board with revised site plans for the proposed project for the vacant land off of Pleasant Street. The revised plans consisted of the following changes that were suggested by the Board at the previous meeting; fencing, increased landscaping for screening purposes, and the moving of the buildings an additional 25-30 feet from the property line. There were no new comments from other Boards, and the Zoning Board did not have any additional comments at the time. The Board opened up the hearing to the public for input, in which Attorney Gerald Blair stated that the proposed project does not fit the discretion with the neighborhood, therefore the project should be denied. John Gass of 7 Pleasant St. stated that he is concerned about the clearance of trees, because they would no longer obstruct the view of the factory and vinyl fencing. Allen Williams of 15 Maguire Park expressed his concern about the increase in density the project would create. Sandra Egan of 11 Maguire Park feels that if the project were to go through, that there should be less units than the proposed 12. Mr. Zuker and Mr. DeCelle agreed that even with the revised plans, 12 units is excessive for the property. Mr. Zuker asked Mr. Macchi if there is any possible way to decrease the number of units from 12, in which Mr. Macchi stated that 12 units is the economic break-even point for market rate development, and that 12 units is the amount they still intend to have. Mr. Macchi stated that the revised plans before them have met the requirements that were given at the previous meeting, and stated that he was comfortable with closing the hearing, or continuing, if the Board had anymore requests that could possibly be made. **Ms. Coffey made a motion to close the hearing, with deliberations being held on March 15, 2017, the motion was seconded by Ms. Murphy. The vote carried 5-0-0 (Zuker, Hiltz, DeCelle, Murphy, Coffey).**

Case No. 21-16, Michael Manzo, West & Elm Streets, Special Permit Request:

The applicant requested to continue the hearing to April 5, 2017 without testimony due to its pending application with the Planning Board and also in order to incorporate comments from the Planning Board at their scheduled meeting on March 16, 2017. **Mr. Zuker made a motion to accept the applicants request and continue the hearing until April 5, 2017 at 7:00 pm, the motion was seconded by Mr. DeCelle, the vote carried 5-0-0 (Zuker, Hiltz, DeCelle, Murphy, Coffey)**

Mr. Zuker moved to adjourn. Motion seconded by and voted 6-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey). The meeting adjourned at 11:30 p.m.

Respectfully submitted,

Craig Hiltz, Clerk