

WALPOLE ZONING BOARD OF APPEALS MINUTES OF March 15, 2017

A regular meeting of the Walpole Zoning Board of Appeals was held on Wednesday, March 15, 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 7:06 PM

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

Attorney William O'Connell, representing Mr. William Corbo was present. The Board addressed the email from Town Council regarding the Bylaw interpretation that is specific to the case. Mr. Hiltz stated that he thinks the decision is beyond the purview of the Board, however, Ms. Coffey stated that Town Council did not state that in her letter, and therefore the decision of the case is in fact, within purview of the Board. Previous comments from other Boards were read, and there were no new comments. The hearing was open for public input, in which there wasn't any. Ms. Coffey suggested putting caveats in place in the decision if the Special Permit were to be approved, in order to prevent setting a precedent for other similar cases that may fall under an "illegal apartment". **Ms. Murphy made a motion to close the hearing, the motion was seconded by Ms. Coffey. The vote carried 5-0-0 (Hiltz, DeCelle, Zuker, Murphy, Coffey. Ms. Coffey then made a motion to accept the Special Permit Request under the conditions as follows; the property cannot be subdivided, there will be no footprint alterations, the cottage shall maintain the characteristics of the building, the primary residence will remain as a lawful single family dwelling and the proposed non-conforming use shall not be detrimental to the neighborhood. The motion was seconded by Ms. Coffey, the vote carried 4-1-0, (DeCelle, Zuker, Murphy, Coffey in favor, Hiltz against).** The specific reasons for approving the Special Permit was as follows; the property has been taxed as a 1 bedroom, has a separate approved septic system, the size of the lot is large (8 acres), it is a rural environment, and was permitted as a guest house.

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

Rob Truax from GLM Engineering was present, representing the Walsh Brothers Building Co. Mr. Truax explained to the Board that 6 Spruce trees have been added along the property line in order to accommodate an abutters' request that was mentioned in the previous meeting. The Board read new comments from other Boards, which consisted of comments from the Town Engineer and the Sewer & Water Commission. The Board then addressed commentary submitted to them from the public, which included letters from Robert O'Leary of 776 Washington St., David & Lindsey Mackey of 246 Stone St. and Jerry O'Farrell of 32 Marisa Ln. Nothing new was submitted to the Board by Mr. Truax, and the revised plans that were submitted at the last meeting were reviewed by the Town Engineer. The Board opened the case to the public for input, Jerry O'farrell spoke on the same concerns that were voiced last meeting (hazardous airborne material/ possible basement flooding/ increased screening for noise cancellation and water absorption/ requesting engineering report/study). Mr. Truax responded to Ms. O'Farrells concerns and explained that the foundations of the proposed project will absolutely not intercept the water table, soil testing was done for hazardous elements (which was negative), drainage

was designed for a “100 yr. flood” (7 inches of rain within a 24 hr. period). Mr. Zuker also noted that there was no mention of water drainage concerns from the Town Engineer in her report. Mr. Hiltz reviewed Mr. & Ms. Mackey’s letter which included square footage measurements from the surrounding houses (excluding the Dela Pond Village square footage’s), in which the average square footage without the neighboring Dela Pond was approximately 1,669 Sq. ft. Mr. Truax noted that since the Dela Pond Village was excluded from the square footage’s in their letter, that the average is inaccurate, in which Mr. & Ms. Mackey noted that they purposely excluded Dela Pond since it wasn’t zoned as (GR). Frank Quinn of 28 Marisa Ln. expressed his concern about two houses and a garage that would be behind his house if the project were to be built. Mr. Quinn also submitted a picture of the view from his property. Judy Holbrook of 12 Marisa Ln. expressed her concern about the possible increase in density, and doesn’t believe that there is adequate shading for the proposed project. Bill Holbrook, of the same address expressed his concern about there being 3 other lots on Stone street that are the same size, and is concerned that if this project is approved, that it would be setting a precedent for the other properties of the same as well. His other concerns included increased car traffic and possible property value declination. Pat Jackson of 61 Delcor Dr. expressed her concern about water, and suggests more trees to aid absorption. Larry Richard of 234 Stone St. (Project land owner) submitted aerial pictures to show the lack of density that the project would create, along with other pictures of his property. Bob Fitzgerald stated his comments on the case and the materials presented before him, which included the following; does not think that there sound be any significant change in density, the proposed landscaping and screening is acceptable, is confident with the Town Engineers comments regarding drainage etc. and views them as sufficient, the proposed parking is acceptable and the multiple dwellings and square footage fit within his interpretation of the bylaw. Ms. Coffey expressed that she agreed with Mr. Fitzgerald, along with Ms. Murphy and Mr. DeCelle. Mr. DeCelle commented that the proposed project look similar to the surrounding neighborhood for characteristic purposes. Mr. Hiltz addressed the topic of a common driveway Special Permit, in which the Board stated is most likely not need, however, more research will be done to properly determine if it is needed. There were no further questions from the Board or from the public at this time. **Ms. Murphy made a motion to close the hearing, the motion was seconded by Ms. Coffey. The vote carried 6-0-0 (Hiltz, DeCelle, Zuker, Murphy, Coffey, Fitzgerald)**

Case No. 06-17, William Germaine Jr, 86 Oak Street, Special Permit & Variance Request:

Property owner William Germaine Jr. was present, along with his engineer from Cheney Engineering Co. They went before the Board to present their proposed plan to construct a 10 ft tall concrete wall, 5 ft. away from the property line and fill the backyard in order to achieve a level backyard that also has planting between the wall and the property line for screening. The engineer presented the Board with a letter from an abutter of the property, which states that he would be in favor of the project if the proposed concrete wall could be moved 10 ft. from the property line, in which the engineer stated that he would agree to satisfy the request. Mr. Germaine explained to the Board that the reason for proposing this plan is based on his safety concerns for his children along with the children of the neighborhood. Mr. Germaine that with his yard at the current state, kids sled down the yard, and this can pose as a safety hazard. Mr. DeCelle asked Mr. Germaine if the fill was already brought in, in which

Mr. Germaine stated that a few truck-loads of fill has already been brought in, and that he was approached by the Building Inspector to stop any further filling until a proper permit was acquired. Mr. Decelle asked where the run-off water was currently going, in which Mr. Germaine stated that it is currently going towards the neighbors' property, and that the pre- and post-development changes in the water run-off are unknown. Mr. Fitzgerald asked why the guideline of 15 ft. would not be sufficient enough? In which the engineer stated that Mr. Germaine is trying to maximize as much of the backyard as possible. Mr. Zuker then read comments from other Boards, which consisted of comments from the Town Engineer. Linda Winslow of 16 Brown Dr. expressed her concern about the neighborhoods already existing high water-table, she stated that she already has an easement in her backyard that pools water as is, and thinks that this proposed project will disrupt the flow, causing increased water retention within her backyard. Joe & Lorraine Dineen of 10 Brown Dr. expressed that they think the proposed plan is going to add to the water flow, Joe requested that the situation of the illegal fill be addressed, and Lorraine requested that she would like the Board members to personally take a look at the property themselves. Mr. Zuker commented that he doesn't think a 10 ft. wall 5 ft. away from the property line is the proper solution regarding this matter. He stated that he needs more information in regards to the request for a Variance, and that the drainage aspect of the plan needs more addressing. Mr. DeCelle believes that this proposed project is currently lacking proof that the project will improve the current situation, and that an analysis should be done. Mr. Zuker requested that the engineer looks over the comments made by the Town Engineer in order to address important aspects/ concerns of the project.

Ms. Murphy made a motion to continue the hearing to April 19, 2017 at 7:00 p.m., the motion was seconded by Ms. Coffey. The vote carried 6-0-0(Hiltz, DeCelle, Zuker, Murphy, Coffey, Fitzgerald)

At 9:30 p.m. Susanne Murphy excused herself from the hearing and did not participate in the Board's discussion and vote for the following cases: Case No. 20-16, John M. Corcoran, 95 West Street & Case No. 07-17, Edgewood Development Co. (Liberty Village), 1034 East Street.

Case No. 20-16, John M. Corcoran, 95 West Street, Special Permit & Variance Request:

Attorney Phil Macchi, representing John M. Corcoran was present. Mr. Zuker addressed a letter from the Planning Board in regards to the case. Mr. Macchi addressed the information that the Board had requested from the previous meeting which included; height variance, shadow impacts, drive aisle dimensional relief, parking, and unique circumstances of the lot and Hardship. Mr. Macchi addressed the revision of the plan regarding the building being moved forward an additional 2 ft., which made a 24 ft. drive aisle width possible. A sidewalk is proposed along the rear side of the building for pedestrians to have a safe access point to the MBTA station, making there no reason for the pedestrians to have any need to be in the driveway. The shadow study highlighted that there is only a minimal difference between the impact of the requested building height vs. the allowed building height of 52 ft. The circumstances of the hardship were addressed and explained as follows; the level of groundwater makes it prohibitive to park underground. The groundwater exists at approximately 6 ft. below the grade of the site. Since the existence of the groundwater makes is prohibitive to lower the parking garage, it also makes doesn't allow the lowering of the building height, which in turn, creates the hardship for a Variance. Bill Scully from Green International was present, and explained the enhanced pedestrian

crossings which include the following; the relocation of the crosswalk, new sidewalk landing, increased number of markings, and ADA complaint ramps. Shaun Kelly presented a slideshow to the Board regarding the parking spot calculations and parking demands/ times. Mr. Zuker stated that he would like to see a greater argument as to why the height Variance is needed. Kenneth Southwood, a member of the public expressed his appreciation for this particular project being brought forth to the Town of Walpole. **Mr. Zuker made a motion to continue the hearing to April 19, 2017 at 7:00 p.m., the motion was seconded by Ms. Coffey. The vote carried 5-0-0 (Hiltz, DeCelle, Zuker, Coffey, Fitzgerald)**

Case No. 07-17, Edgewood Development Co. (Liberty Village), 1034 East Street, Special Permit & Variance Requests (2):

Attorney Phil Macchi, representing Edgewood Development Co. was present, and submitted to the Board 4 letters (Norwell & Norwell Insurance Agency of 961 Main St. Walpole Ma, dated 3-25-17, Edgewood Travel of 969 Main St. Walpole, Ma, dated 3-13-17, Gulley & Straccia, P.C. Attorneys at Law of 24 Glenwood Ave, Walpole, Ma, dated 3-13-17 and Helen & Olga Abdallah Donohuse of 1027 Washington St, Walpole, Ma, dated 3-15-17) expressing their support of the proposed project. Mr. Macchi explained that the proposed project would consist of apartments, and would help the Town by removing buildings that are an “eye-sore” and replace them with an aesthetically pleasing building. Mr. Macchi stated that the reason for the request for relief is for the proposed building height (59 ft.) and the fact that the Neponset River runs directly under and through the lot. Mr. Macchi made the Board aware that traffic and shadow studies have been done for this project. Mr. Jacob Murray was present, and briefly presented the Board with the shadow study with the proposed height of the 59 ft. Mr. Hiltz raised the question as to why the project cannot be within the 52 ft. guideline of the bylaw, in which Mr. Macchi stated that due to the bylaw that hasn’t changed over the years, and the modern trend/ desire for higher ceilings, it creates the need for a greater height of over 52 ft. **Due to the complexity of the project and the time, Mr. Zuker made a motion to continue the hearing to April 5, 2017 at 7:00 p.m., the motion was seconded by Ms. Coffey, the vote carried 5-0-0 (Hiltz, DeCelle, Zuker, Coffey, Fitzgerald)**

Request for Board Comments:

Planning Board: John Corcoran, Site Plan Approval, Case No. 16-12- No comments at this time

Planning Board: Maplewood Condos, Site Plan Approval, Case No. 16-5- No comments at this time

Conservation Commission: 1034 East Street, Edgewood Development Co. LLC- No comments at this time

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

The meeting adjourned at 11:37 p.m.