

WALPOLE ZONING BOARD OF APPEALS MINUTES OF April 19, 2017

A regular meeting of the Walpole Zoning Board of Appeals was held on Wednesday, April 19, 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

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

A letter requesting the continuance of this case without testimony to August 16, 2017 from Attorney Jonathan Ash was submitted on behalf of the applicant. A motion was made by Ms. Murphy to close the hearing, the motion was seconded by Ms. Coffey. The vote carried 6-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey, Fitzgerald). A motion was made by Ms. Murphy to deny the continuance of the hearing to August 16, 2017 without prejudice, and to waive the filing fee if the applicant decides to refile. The motion was seconded by Ms. Coffey, the vote carried 6-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey, Fitzgerald).

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

This case was closed at the meeting of March 1, 2017 without rendering a decision. A motion was made by Mr. Zuker and seconded by Mr. DeCelle to grant the Special Permit request under Section 5-B.1.3.b. to allow the two-family detached dwellings use on the property. The vote carried 5-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey in favor). A motion was made by Mr. Zuker and seconded by Mr. DeCelle to grant the Special Permits requested under Sections 5-B.1.3.b. and 6-C.4.A. of the Zoning Bylaw with the following conditions: 1. To allow multiple principal buildings on one lot, provided that there shall be no more than five (5) two-unit buildings on the subject property. 2. There shall be a minimum rear yard setback of 30 feet and minimum side yard setbacks of 20 feet for the site. The vote was 3-2-0 (Zuker, DeCelle, Hiltz in favor; Murphy and Coffey in opposition); therefore, the Special Permits requested under Sections 5-B.1.3.b. and 6-C.4.A. were denied. The Board found that the Applicant had not produced evidence sufficient to meet the prerequisites for the granting of the Special Permits that were requested.

***At 8:00 p.m. Craig Hiltz excused himself from the hearing and did not participate in the Board's discussion and vote for the following cases: Case No.08-17, Cellco Partnership d.b.a. Verizon Wireless, utility poles along Washington Street, Special Permit Request.**

Case No. 08-17, Cellco Partnership d.b.a Verizon Wireless, Utility Pole No. 90S (approx.. 731-733 Washington St.) & Utility Pole No. 33.8 (approx.. 348 Washington St), Special Permit Request:

Mr. Zuker read comments from other Boards what consisted of comments from the Town Engineer. Attorney Tyler Hanes, from Mclane Middleton was present on behalf of the applicant and explained the proposed work under Section 10-F of the Zoning Bylaw to allow the installation of a wireless facility consisting of a 15.1" x 24.2" tall cylindrical canister antenna, remote radio head, electrical junction box

and meter, and fiber optic and power connection. Joe Haswell of 758 Washington Street asked if this proposed work was in two different locations along Washington Street, in which Mr. Hanes replied; yes. The Board and the public had no additional comments at this time. A motion was made by Mr. DeCelle and seconded by Ms. Murphy to grant the Special Permit request under Section 10-F of the Zoning Bylaws to allow the construction of a wireless communications facility, consisting of a 15.1" x 24.2" tall cylindrical canister antenna, remote radio head, electrical junction box and meter, and fiber optic and power connection at the specified locations, with conditions. The vote was 5-0-0 in favor (Zuker, DeCelle, Murphy, Coffey and Fitzgerald voting), therefore the request for a Special Permit is hereby granted subject to the following conditions: Under Section 10-F.7. of the Zoning bylaw, the Applicant shall assume financial surety for the decommissioning of the tower. The Applicant shall work with the Town in locating a repeater system and/or antenna at this location to enhance Public Safety Communications System, if it is determined the need is there or if the need arises. The Applicant will provide each of the Walpole Fire Departments' four groups with training and site familiarization. Access shall accommodate Walpole Fire Department apparatus. Regular/routine maintenance shall be done on site, as agreed to by the Applicant. The construction of the communication site shall be built as shown on plan. The Applicant will comply with the Town Engineers recommendations as per her letter dated April 4, 2017.

***At 8:10 p.m. Craig Hiltz returned to the meeting and did participate in the Board's discussion and vote for the following cases: Case No. 06-17, William Germaine Jr, 86 Oak Street, Special Permit Request; Case No. 20-16, John M. Corcoran & Co., LLC., 95 West Street, Special Permit Request; Case No. 21-16, Michael A. Manzo/ TMC 100 Elm LLC., 100 Elm Street/ 125 West Street/ Parcels on Elm and West Streets, Special Permit (modification) Requests; Case No. 09-17, Michael A. Manzo/ TMC 100 Elm LLC., 100 Elm Street/ 125 West Street/ Parcels on Elm and West Street. Special Permit Request**

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

The applicant William Germaine Jr. was present along with Ardi Rapi from Cheney Engineering. Revised plans were submitted to the Board members which included information requested by the Town Engineer in her comments from the previous hearing and plan submitted. Due to the revised plans being submitted on April 19, 2017, they were not reviewed by the Town Engineer, in which the Board requested that in order to proceed with the case, a review of the revised plans must be made by the Town Engineer. Mr. Rapi stated that the new plans do require less fill than what was originally thought (675 cu. yds. vs. approx. 755 cu. yds). Ms. Coffey stated that she visited the property earlier in the week and based on the large height drop-off of the land that there is going to be serious drainage issues, along with thinking that the backyard and side-yard provide ample "play" space for children with the removal of the mound of fill from the side-yard. Mr. Zuker stated that he believes there are other options available than the proposed cement wall to solve the safety issue. Mr. Zuker asked the applicant and the engineer about drainage calculations that were requested at the previous meeting, in which Mr. Rapi did not provide previously or at the current meeting. Linda Winslow of 16 Brown Drive expressed her concern about the water drainage and the possible problem the proposed project might create. Mr. Zuker stated that he wants the Town Engineers comments on the revised plan, and has concerns about the height of the proposed all as well as the setbacks. Mr. Fitzgerald expressed that trying to make a

larger space for the children to play does not warrant or qualify as a reason for a variance. Mr. DeCelle asked Mr. Rrapi what the wall will be made out of/ look like, Mr. Rrapi stated that the proposed wall will be poured concrete with trees (shrubs/ evergreens) along the wall that are approximately 4-5 ft. in height. Mr. Zuker made a motion to continue the hearing to June 7, 2017 at 7:00 pm, the motion was seconded by Mr. Hiltz. The vote carried 6-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey, Fitzgerald). Mr. Zuker made a motion to grant a time extension to June 30, 2017, the motion was seconded by Mr. Hiltz, the vote carried 6-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey, Fitzgerald).

***At 8:45 p.m. Susanne Murphy and Bob Fitzgerald recused themselves from the hearing and did not participate in the Board's discussion and vote for the following cases: Case No. 21-16, Michael Manzo/ TMC 100 Elm LLC., West & Elm Streets, Special Permit (modification) request; Case No. 20-16, John M. Corcoran & Co. LLC., 95 West Street, Special Permit & Variance Request; Case No. 09-17, Michael Manzo/ TMC 100 Elm LLC., 125West Street/100 Elm Street/ Parcel on Elm/ Parcel on West, Special Permit Request.**

Case No. 21-16, Michael Manzo/ TMC 100 Elm LLC., West & Elm Streets, Special Permit Request:

Attorney Mark Bobowski was present, along with the owner of the property, Michael Manzo. Mr. Bobowski stated that TMC would like to amend its Special Permit application to allow parking for a fee for 94 spaces, rather than the 47 spaces initially requested, due to the finding that Corcoran's tenants would lawfully park in the proposed new structure. It was stated that the current spaces they "need" are 214, and are proposing 308 (94 parking spaces difference). The Boards questions were satisfied regarding the proposed parking. A motion was made by Mr. Zuker and seconded by Mr. DeCelle to grant the requested modifications to the Walpole Zoning Board of Appeals Decision (Case No. 4/00).The vote was 4-0-0 in favor (Zuker, Hiltz, DeCelle, Coffey voting); therefore, the requested relief was granted.

Case No. 09-17, Michael Manzo/TMC 100 Elm LLC., West & Elm Streets, Special Permit Request (2):

Attorney Mark Bobowski was present, along with the owner of the property, Michael Manzo. Mr. Bobowski stated that TMC would like to improve lots #'s 2,5 and 6 to bring them more in compliance with the provisions of Section 8 of the Zoning Bylaw relative to Parking Standards. It was the finding of the Board that the Applicant was able to meet the number of necessary parking spaces at their highest demand and that the alterations brings the parking more in compliance to Parking Standards. Accordingly, the Board has determined that the Special Permits requested are warranted. A motion was made by Mr. Zuker and seconded by Mr. DeCelle to grant the Special Permits requested under Sections 9.6.A(2) and 9.2.C(2) of the Zoning Bylaw to alter Lots 6, 2 and 5 as shown on the Plan presented at the public hearing to bring said Lots more in compliance with the provisions of Section 8 of the Zoning Bylaw relative to Parking Standards, with conditions. The vote was 4-0-0 in favor (Zuker, Hiltz, DeCelle, Coffey voting); therefore, the Special Permits were granted subject to the following conditions: Lot No. 6 shown on the Plan may be modified by other Boards as long as the number of parking spaces is not altered from the number proposed and shown on the plan (82).

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

Phil Macchi was present, along with Peter Mahoney, they went over information that was asked of them from the last meeting. The key topics covered and discussed were building height, drive aisles, stall length and residential parking (for a fee) which was originally 136 parking spaces, and has now changed to 146 (all) parking spaces for a fee. Mr. Zuker and Mr. Hiltz expressed that they would like to see improvements in regards to the sidewalks surrounding the proposed project. Mr. Macchi stated that a plan regarding the sidewalk will be submitted in the near future. Questions were asked in regards to the need for relief for the height of the proposed building, in which Mr. Macchi stated that the relief is needed due to the building code from 2000 which does not reflect today's current wants/ needs (design-wise) of potential residents. Mr. Zuker made a motion to continue the hearing until May 3, 2017 at 7:00 p.m, the motion was seconded by Mr. DeCelle, the vote carried 4-0-0 (Zuker, Hiltz, DeCelle, Coffey).

Mr. Zuker made a motion to adjourn the meeting, the motion was seconded by Ms. Coffey. The vote carried 4-0-0 (Zuker, Hiltz, Coffey, DeCelle)

The meeting adjourned at 11:05 p.m.