

WALPOLE ZONING BOARD OF APPEALS MINUTES OF April 5, 2017

A regular meeting of the Walpole Zoning Board of Appeals was held on Wednesday, April 5, 2017 at 7:00 p.m. in the Main Meeting Room at Town Hall. The following members were present: Matthew Zuker, Chairman; Craig Hiltz, Clerk; Susanne Murphy; Mary-Jane Coffey, Timothy Foley and Robert Fitzgerald

Mr. Zuker opened the meeting at 7:04 PM

Case No 23-16, Wallstreet Development Corp., 48 Burns Avenue/ End of Burns Avenue (Union Sq. Village), Special Permit Request:

Rob Truax from GLM Engineering and Lou Petrozzi, President of Wallstreet Development were present. Mr. Truax explained that the plans that were being presented to the Board were revised as of March 14, 2017 due to necessary changes. The proposed plans for the Union Square Development consist of a 24 ft. roadway leading to a cul de sac off of Burns Avenue. The plans depict building up of the roadway and raising up the land that the houses would be built on. Sewer usage is shown to connect to Union Street instead of Burns Ave. due to the Union Street sewer connection having a larger capacity to facilitate the proposed development. The building units were presented as all single family homes, and each unit would approximately be 2,024 sq. ft., with approximately 11 ft. of side yard separation. Mr. Zuker asked the applicant if any meetings or discussions have been held with the neighbors of the proposed development, in which Mr. Truax stated that a letter was sent to the neighbors about the project but there was no reply from them. Mr. Zuker read comments from other Boards, which consisted of multiple Board replies, however, the Town Engineers comments, along with the Conservation Commission were the only comments pertaining to the revised plan (dated March 14, 2017). Comments regarding frontage from the Town Engineer are a matter of concern. Mr. Zuker opened the hearing up for public comment, which were as follows; R.J. Campbell, 31 Burns Ave. expressed his concern of the possible character change of the neighborhood if the project was to go through. Jack Conroy of 455 Elm St., addressed his concerns regarding the frontage of Burns Ave., the A & R Plan that went before the Planning Board, the 1986 Variance approval, an existing easement, and provided informational packets to the Board regarding "paper streets" and easements. Mr. Zuker asked the applicant if he is aware of the frontage issue that was raised by Jack and the Town Engineer, in which Mr. Petrozzi stated that he is aware of the issue, and that a legal opinion has been submitted with the application which specifies that the correct amount of frontage is present. Mr. Hiltz raised the topic of subdivision control law, in which Mr. Petrozzi stated that even though only 526 ft. of Burns Ave has been accepted as a public way, the remainder of the street it still considered a "way", it's just not accepted as a "public" way. Mr. Zuker stated that having Town Council review the legal opinion submitted by the applicant is needed to move further with the case. Kathy Campbell of 35 Burns Ave. re-iterated the topics that Mr. Conroy addressed, and also submitted a registered Deed, plot plan, and a brief overview of research she has done on the property to the Board. Ms. Campbell also stated the following; the current state of the property is grassy and rocky, therefore any construction would severely alter the state it is currently in; a side yard separation of 10-11 ft. between each unit is unfathomable, and that the plan presented before the Board still needs to be revised due to conservation needs/ requests. Mr. Zuker acknowledged that the current plan will most likely have more revisions, and that the frontage issue needs to be addressed. Ms. Murphy stated that she agreed with Ms. Campbell regarding necessary changes that need to be made,

and that the outcome of the next Conservation Commission hearing is crucial. Mr. Petrozzi stated that the next hearing with the Conservation Commission is April 26, 2017. Mr. Zuker and Mr. Hiltz stated that set-backs need to be increased in addition to clarity on the frontage situation. Mr. Petrozzi asked the Board what the desirable amount of set-backs would be, Mr. Hiltz stated that there is no definitive footage, however, it must be consistent with the neighborhood, and larger set-backs are desirable in order to maintain the character of the surrounding neighborhood. Mr. Fitzgerald asked the Board for clarity on what they are going to ask of Town Council, Mr. Zuker responded that the matter in question is if the project has available frontage to consider the property a buildable lot. Mr. Hiltz stated that questions in regards to the over-burden and the easement should be included when consulting with Town Council, as well as the papers submitted by Mr. Conroy and Ms. Campbell.

Mr. Zuker made a motion to continue the hearing to May 17, 2017 at 7:00 p.m., the motion was seconded by Ms. Murphy. The vote carried 6-0-0 (Hiltz, Zuker, Murphy, Coffey, Foley, Fitzgerald)

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

Applicant requested to continue the hearing to April 19, 2017 without testimony due to the absence of the Zoning Board member Jim DeCelle at the hearing of April 5, 2017. **Mr. Zuker made a motion to accept the applicants request and continue the hearing until April 19, 2017 at 7:00 pm, the motion was seconded by Ms. Murphy, the vote carried 4-0-1 (Zuker, Hiltz, Murphy, Coffey, Foley in favor, Fitzgerald abstained)**

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

The hearing of this case was closed on March 15, 2017 with no decision rendered. **Ms. Murphy made a motion to accept the application of the Special Permit on behalf of Walsh Brothers Inc., under Section 6.C.4.A. of the Zoning Bylaw to construct 3 single dwelling units within the parcel which has an area of 30,167 sq. ft. with several conditions in place** including; The project will be constructed as shown on plans; additional plantings will be in place as agreed to by the applicants; there will be no additional relief granted; all dwellings will be constructed at the same time, (not a phased development); utilities will reflect the as- built plans; the applicant will comply with requirements set forth by the Town Engineers letter dated January 18, 2017 and to the satisfaction of the Town Engineer; the applicant will consult with the Fire Department for suitability regarding the access of the 3 homes. **Ms. Coffey seconded the motion, the vote carried 5-0-1 (Zuker, Hiltz, Murphy, Coffey, Fitzgerald in favor, Foley abstained).**

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

The hearing for this case was closed on March 1, 2017 with no decision rendered. Mr. Zuker stated that the Board will render a decision on this case during the next Zoning Board of Appeals meeting, on April 19, 2017.

At 8:25 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. 07-17, Edgewood Development Co. (Liberty Village), 1034 East Street, Special Permit and Variance Requests.

Mr. Foley stated that reviewed the tape footage of the last Zoning Board of Appeals meeting on March 15, 2017, regarding the specific case of #07-17, Edgewood Development Co., (Liberty Village), 1034 East Street, and is therefore exercising the Mullin Rule in order to participate in the Boards' discussion and vote of this case.

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

Attorney Phil Macchi, Tim Thompson, Tim Higgins, and Jerry Russo were present. Mr. Thompson went over the Traffic study that was conducted for the proposed project. The study collected information on traffic patterns between the hours of 7am-9am/ 4pm-6pm, the number of traffic accidents over the years, trip generations and traffic delays within the surrounding space of the proposed project (East and Elm Street). Mr. Macchi explained that there are 152 condominium units proposed, making the number of required parking spaces 304 (2 parking spaces per unit required), the Special permit it asking for fewer parking spaces due to the close proximity of the MBTA and readily available businesses within walking distance of the project, therefore reducing the resident vehicle demand. Mr. Thompson stated that two other studies were also done to similar condominium complexes that are also owned by Edgewood Development in order to ensure completely accurate parking numbers. The studies concluded that the average number of parking spaces per unit of those condominiums was 1.23, which is lower than the proposed number of units for the proposed project, which is 1.42. Mr. Macchi also explained that the need for less parking spaces per unit is also because the proposed project has more 1 bedroom units than 2 bedroom units. Mr. Hiltz asked if the parking for the proposed project will be managed similarly to the other Edgewood complexes, in which Mr. Macchi stated that they would, and would include the following; visitor parking, electric-vehicle parking and the resident parking would be issued by permit. Mr. Macchi stated that the guest parking will be located in the lot across the street, and that commercial parking will not be provided, however, public parking on the street will be available for commercial use. Mr. Zuker asked if there will be traffic signaling on the East and Elm intersection, in which Mr. Thompson stated that even though the traffic volume is high, it's not high enough to warrant the installation of a signal. Mr. Zuker stated that they should encourage pedestrian traffic, and make any necessary improvements possible to that specific intersection. Mr. Hiltz expressed concerns regarding the high amount of cueing that takes place while exiting around the MBTA area (area left of proposed project on the corner of East & Elm), Mr. Thompson said that the traffic study reported that the maximum cueing was 5 cars in during the a.m. and 13 cars during p.m. hours. Mr. Zuker stated that he would like there to be planned improvements for the sidewalks and crosswalks, Mr. Thompson said that there are plans to provide a striped crosswalk. Mr. Hiltz expressed that there should be more improvements to the crosswalk from the proposed project property to the MBTA, Mr. Russo agreed, and is willing to improve crosswalk signage in regards to that area. Mr. Macchi stated that he has no problem making improvements, the only caveat would be getting permission from the Board of Selectmen to agree to add markings to the road. Mr. Hiltz suggested that communication with the Town Engineer,

Highway Department and Town Administrator would be essential to go over the possible options and ideas of the requested improvements. Mr. Higgins stated that the plans before the Board will slightly change, with the building being more setback than what is currently shown, which would increase the side-lines. Mr. Macchi submitted several letters to the Board from other businesses that are in support of the project. Mr. Macchi explained the issue of the building height, which is requiring a variance. The proposed height of the building is approximately 57 ft., the allowed building height is currently 52 ft. Due to the proposed excess of height, a shadow study was performed, which showed that there was no considerable difference between the proposed height and the height currently allowed (approx.. 1 ft. of shadow difference), therefore having a low impact of the neighborhood. The Board opened the hearing up for public input, which included the following; Rick Cenna of Precinct 8- stated that he is concerned with the parking, along with other abutters he has spoken with. He suggests keeping the parking requirement to 2 spaces per unit, and would like to see another traffic and parking study done from an independent company. Mr. Zuker disagreed with Mr. Cenna, and stated that this project is a transit project, and promotes less vehicle usage, therefore reducing the need for parking spaces. Mr. Zuker also disagreed with having an independent traffic and parking study done, and that the main safety concerns are the important aspects at the moment. Mr. Fitzgerald stated that traffic and parking studies are already included in the applicant's file, and that they are sufficient. John Valencourt of Precinct 5- stated that he is in favor of the project, however he has the same concerns as Mr. Cenna in regards to traffic and parking. Laura Garrity of 11 Elmcrest Circle- stated that she has concerns with the traffic, and thinks that the intersection of East and Elm streets already have unacceptable back-up as is. Ms. Garrity expressed that she would like to see an independent traffic and parking study done, and also suggests that there should be the granting of a permit to only allow one vehicle per unit. Mr. Zuker stated that he is against the limiting of condominium parking to one space per unit. Mr. Russo explained the aesthetics of the outside of the proposed building, stating that it will include a slate rood, red brick and a limestone/ limestone composite. Mr. Macchi stated that he has provided a Peer Review by the Board of Selectmen's request before coming before the Zoning Board of Appeals. The Board had no further questions at this time regarding the material that was presented. **Mr. Zuker made a motion to extend the Permit Request to the end of May (May 31, 2017), the motion was seconded by Ms. Coffey. The vote carried 5-0-0 (Zuker, Hiltz, Coffey, Foley, Fitzgerald. Mr. Zuker made a motion to continue the hearing to May 17, 2017 @ 7:00 P.M., the motion was seconded by Ms. Coffey. The vote carried 5-0-0 (Zuker, Hiltz, Coffey, Foley, Fitzgerald)**

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

The meeting adjourned at 10:10 p.m.