

WALPOLE ZONING BOARD OF APPEALS MINUTES OF June 7, 2017

A regular meeting of the Walpole Zoning Board of Appeals was held on Wednesday, May 17, 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; Mary-Jane Coffey, and Robert Fitzgerald

Mr. Zuker opened the meeting at 7:00 PM

Case No. 06-17, William Germaine, 86 Oak Street, Continued Hearing re. Special Permit and Variance Request

A letter addressed to the Board was submitted on June 7, 2017 requesting to continue the hearing to the later date of July 26, 2017 at 7:00 PM, with an extension of time through August 31, 2017. Mr. Zuker made a motion to continue the hearing to July 26, 2017 at 7:00 PM, seconded by Ms. Murphy, the vote carried 6-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey, Fitzgerald) Mr. Zuker made a motion to accept the extension of time requested through August, 31, 2017, seconded by Ms. Murphy, the vote carried 6-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey, Fitzgerald).

Case No. 11-17, Peter & Lee Ann Falato, 4 Hummingbird Lane, Continued Hearing re. Variance Request

Dan Merriken from Merriken Engineering was present, along with the applicant Peter Falato. This application is for a variance under section 6B of Zoning Bylaws to allow a detached accessory structure with a front yard setback of 8.1 ft., where 30 ft. is required. Mr. Merriken explained that the detached accessory structure will be a shed, and the need for a variance is due to both the shape and the topography of the lot. The site is a corner lot and while High Plain Street is considered its frontage, the house faces Hummingbird Lane and has a Hummingbird Lane address. The yard area to the west and north of the house have a considerable slope several feet high, which would make the placement of the shed within this area difficult, requiring more disturbance and grading, which would in turn, create more of a financial burden and also lessens the ability of the applicant to utilize their limited side and rear yard areas. The proposed area for the placement of the shed is relatively level, and is currently screened by stockade fences and trees, which will minimize visibility of the shed from outside the property. There were no comments at this time from any Boards concerning this case and there was no public input. Ms. Murphy made a motion to close the hearing, seconded by Ms. Coffey, the vote carried 6-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey, Fitzgerald). Ms. Murphy made a motion to grant the variance under section 6B of the Zoning Bylaw, seconded by Ms. Coffey, the vote carried 6-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey, Fitzgerald).

Case No. 12-17, Mary Ciannavei, 173 Pemberton St., Variance Requests

Attorney William O'Connell was present, along with the applicant, Mary Ciannavei. This application is for (2) variances under section 6B of the Zoning Bylaws to allow the construction of a single family home on lots 4 & 4A with 100+/- frontage and for the existing house at 173 Pemberton St. lots 3 & 3A for 100 +/- frontage. Mr. Mr. Zuker read comments from other Boards which consisted of comments from the Town Engineer and the Fire department. O'Connell explained that in 1981 the zoning district of General Residence (GR) for this property was then changed to Residence B (RB) in 1985. Due to the change of the zoning district, lots 4 & 4A are now non-conforming, and therefore need variances in order to allow

for the proposed construction and desired frontage. The hardships associated with this property are as follows; the lack of required frontage of this property is a result of the zoning district change during Town Meeting of 1985; the applicant is currently paying taxes on the lots, which were assessed as buildable for many years, however, having non-conforming/ unbuildable lots (currently) will cause a financial burden on the applicant as the lots were to be used to pay for her long-term care. Mr. O'Connell stated that the given the properties current state, the construction of a new single family home on the property will improve the values of the surrounding properties and will visually improve the neighborhood. All necessary materials and documents were submitted to the Board. The hearing was opened to the public for input, which including the following; Tom M. of 161 Pemberton and Steven Moore of 10 Captiva Rd. who expressed concerns regarding setbacks, building close to the lot line and building close to the backyard. There were no further questions from the Board or the public at this time. Mr. Zuker made a motion to close the hearing, seconded by Ms. Murphy, the vote carried 6-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey, Fitzgerald).

Case No. 23-16, Wallstreet Development Corp., 48 Burns Avenue/End of Burns Avenue "Union Sq. Village", Continued Hearing re. Special Permit Request

Lou Petrozzi of Wallstreet Development was present, along with Rob Truax from GLM Engineering. Mr. Petrozzi stated the most recent changes that were made to the plans regarding the proposed project due to Conservation recommendations. A legal opinion regarding frontage was submitted by Town Counsel on June 5, 2017 which was requested by the Board at the April 5, 2017 hearing. Topics that were discussed and were a concern for the Board were as follows; number of units proposed (14), common driveway, debris removal, traffic, frontage, possible soil contaminants and the character/ integrity of the neighborhood. The Board expressed that they would like to see larger setbacks in regards to the side yards and backyards, soil contents/ contamination report once it has been submitted, along with more information on the potential increase in traffic due to the proposed project and aerial photos of the property. Mr. Zuker opened the meeting for public input, which includes the following; Jack Conroy (abutting property owner) expressed his concerns regarding the Campbell variance of 1986, Burns Ave. street record, material clean-up, sewer-line placement and condition, utilities, and flood plain; Cathy/ Christopher Campbell of Burns Ave. expressed their concerns regarding traffic, snow removal, frontage, variance; Joseph Shea of 28 Burns Ave. expressed concern regarding frontage, property value and the integrity/ character of the neighborhood; Liz Barrows of 189 Union Street expressed concern over common driveways. Mr. Zuker suggested a traffic engineer be present at the next hearing. With important information still needed, Ms. Murphy made a motion to continue the hearing to July 26, 2017 at 7:00 PM, seconded by Ms. Coffey, the vote carried 6-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey, Fitzgerald).

Mr. Zuker made a motion to adjourn the meeting, seconded by Mr. Hiltz. The vote carried 6-0-0 (Zuker, Hiltz, DeCelle, Murphy, Coffey, Fitzgerald)

The meeting adjourned at 9:45 p.m.