

WALPOLE ZONING BOARD OF APPEALS MINUTES OF July 26, 2017

A regular meeting of the Walpole Zoning Board of Appeals was held on Wednesday, July 26, 2017 at 7:00 p.m. in the Main Meeting Room at Town Hall. The following members were present: Matthew Zuker, Chairman; Jim DeCelle, Vice Chairman; Craig Hiltz, Clerk; Susanne Murphy, Mary Jane Coffey and alternate member Robert Fitzgerald

Zuker opened the meeting at 6:30 PM

DeCelle made a motion to enter into Executive Session at 6:31 PM, seconded by Mr. Hiltz- roll call; Zuker, DeCelle, Hiltz, Murphy and Coffey.

Zuker made a motion to exit Executive Session and re-enter into open session at 7:00 PM, seconded by Mr. DeCelle – roll call; Zuker, DeCelle, Hiltz, Murphy, and Coffey.

Open Session Case No 03-16, McSharry, Vacant land off Pleasant Street:

Zuker stated that there is currently no new developments regarding this case, and that an executive session will be held again at the regular Zoning Board meeting of October 4, 2017 to discuss anything new that may develop between now and then.

Case No. 12-17, Mary Ciannavei, 173 Pemberton St., Variance Request (Closed Hearing):

Hiltz stated that other than the zoning change of the property in 1985 from GR to RB, there are no other unique factors presented during the open hearing (lot shape, soil conditions, topography of land). Several of the Board members suggested that the Applicant go to Town Meeting in regards to the nature of this matter. Murphy made a motion to grant the variance under Section 6-B of the Zoning Bylaw, seconded by Hiltz, the vote was 1-5-0 (Murphy in favor; Zuker, DeCelle, Hiltz, Coffey, Fitzgerald opposed); the motion failed. Attorney O'Connell objected due to Fitzgerald (Alternate Member) participating in the vote. A re-vote was done, Murphy made a motion to grant the variance under Section 6-B of the Zoning Bylaw, seconded by Hiltz, the vote was 1-4-0 (Murphy in favor; Zuker, Hiltz, DeCelle, Coffey opposed; the motion failed, the variance was denied due to lack of hardships presented.

Case No. 16-17, Michael Beals, 106 Pemberton St., Special Permit Request:

Mr. Beals explained to the Board that the purpose of this Special Permit it to construct a second floor to his already nonconforming one floor single family house. Kevin Romines of 100 Pemberton Street was present and expressed his support of the proposed project as an abutter of Mr. Beals. The Board or public had no concerns at this time, the Board agreed that the proposed extension is not substantially detrimental to the neighborhood and there are no issues with neighboring abutter. Hiltz made a motion to close the hearing, seconded by Murphy, the vote carried 5-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey). Hiltz made a motion to grant the Special Permit under Section 9-4.A to extend an existing nonconforming building in both setback and height, seconded by DeCelle, the vote carried 5-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey)- the Special Permit was granted with conditions.

Case No. 23-16, Wall Street Development, 48 Burns Ave., Special Permit Request :

Submissions from the Applicant included a traffic study/ analysis, supplemental packet of aerial and other views, CMG environmental assessment, sewer extension permit and a letter from GLM Engineering addressing the Town Engineers comments, along with two other possible project layouts. Zuker read Board comments which included; Town Engineer, Fire Dept., and Bd. Of Health, along with the Planning Bd. Decision regarding site plan. Zuker stated that since the Planning Bd. Denied the site plan, that the Zoning Board of Appeals will be doing site plan review for this case, and requested that the Applicant submit an impact study for the next hearing. Zuker opened the hearing for public comment which consisted of the following; Cathy Campbell of 35 Burns Ave. (packet submittal, copy of deed, paper streets, frontage questions); Joseph Sheehan of 28 Burns Ave. (lack of communication between abutters & Applicant, requested more recent traffic study); Jack Conroy (overburden of easement, paper streets, metes & bounds); Cheryl Hayes of 8 Brook Ln. (Claims the applicant never contacted residents, thinks proposed traffic for project would drastically impact neighborhood, claims Bldg. Inspector Dave Norton gave different answers to the same questions asked by multiple abutters regarding this project and claims Dave told her he never signed off on a Site Plan application, however his signature is on the site plan app.) Liz Barrows of 189 Union St. (had questions regarding site plan review and its process) Robert O'Leary of 66 Washington St. (submittal of his interpretations, MGL and paper streets). Due to the lack of Town Engineer comments on the most recent plans submitted by the applicant and the requested impact study, Zuker motioned to continue the hearing to September 6, 2017 @7 PM, seconded by Murphy, the vote carried 5-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey).

Case No. 06-17, William Germaine, 86 Oak St., Variance Request:

The Applicant argues that the need for a 10 ft. wall is a safety measure for his children and the neighborhood children who are often in his yard, and the hardships for this variance include costliness and the allowance of more room/yard for his children to play on the property. Hiltz, Murphy, and Coffey stated that a 10 ft. wall seems dangerous, and recommended that two 5 ft. walls be constructed instead as another option, along with the reasons for the variance do not seem to meet the hardship standards. Recommendations made by the Board include; a stepped wall/ terracing that would be more consistent with the topography of the land. Zuker read comments from other Boards which included comments from the Town Engineer. Due to necessary adjustments that need to be done on the plans, Murphy made a motion to continue the hearing until August 16, 2017 at 7PM, seconded by Coffey, the vote carried 5-0-0 (Zuker, DeCelle, Hiltz, Muphy, Coffey).

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

The meeting adjourned at 10:30 p.m.