

WALPOLE ZONING BOARD OF APPEALS MINUTES OF SEPTEMBER 6, 2017

A regular meeting of the Walpole Zoning Board of Appeals was held on Wednesday, September 6, 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 Robert Fitzgerald, Associate Member

Zuker opened the meeting at 7:00 PM

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

Lou Petrozzi of Wall Street Development was present, along with Rob Truax of GLM Engineering and William Scully of Green International Associates. Mr. Petrozzi stated that he had submitted an impact study, along with a new plan. Since the last hearing of this case, Zuker and Fitzgerald have visited the site again for observation. Zuker asked if there have been any proposed safety measures at the intersection of Burns Ave, Mr. Scully stated that the stop signs/ landscaping/ vegetation/any signage is to be clear for sight. Mr. Scully stated that Burns Ave. is currently considered a low volume street (13 dwellings) and that even with the proposed addition of 13 more dwellings, it would still remain a low volume street. Hiltz questioned if the existing morning queuing from northbound Burns/Pleasant, plus the additional vehicles from the proposed development will cause excess traffic backup to Union Street during peak hours, along with excess traffic during peak afternoon hours; Mr. Scully replied that any added delay/queuing would be minimal. Coffey expressed the difficulty that's already encountered while trying to turn northbound and southbound onto Burns Ave. due to traffic backup. Zuker asked about data for Pleasant Street traffic, which he suggested be looked into more. Hiltz mentioned concerns that need more focus and attention, such as; a sightline issues regarding queuing on Pleasant Street onto Burns Ave., lack of vehicle speed data and a more in depth look at safety mitigation. Town Engineer, Maggie Walker was present at the hearing in order to answer Board questions and concerns regarding the drainage of the proposed project. Rob Truax went over the drainage layout of the development, which consists of catch basins for roadway and roof runoff, leeching system, recharge systems/areas. Rob Truax stated that all runoff through developed areas will be captured and recharged, without creating an increase in volume or runoff. This drainage design also meets the Stormwater Management Standards, and the utilities will be going onto Union Street instead of Burns Ave. Maggie explained that the drainage system is appropriate for the proposed development (i.e. pipe sizing, water temperature, pre/post development calculation, HOA/ maintenance plan in place). Zuker opened the meeting up for public comment, which is as follows; Jack Conroy (abutting property owner): Stated that any work done in the flood plain would require a Special Permit, fill removal on site would result in increased traffic and wear and tear on the Town road and a square footage discrepancy. Also, he stated that the project includes common driveways- which the applicant would need to go before the Planning Board, which would then "be denied" by that Board. Lastly, articles from the Town of Walpole's Special Town Meeting of October 28, 1946 were submitted. Kathy/ Chris Campbell of 35 Burns Ave.: expressed concern over the 100 ft. of frontage issue, and submitted a packet which included 1946 & 1924 Registry of Deeds plans of Burns Ave and a 1946 assessors lot plan. Liz Barrows of 189 Union Street: expressed concerns about traffic and a possible increase in accidents. Ms. Barrows asked about trash disposal and snow removal, in which Mr. Truax stated that trash removal would be individual

private pick-up, and that snow storage would be taken off site if the snow exceeded the areas already designated for snow storage on the site. Data submitted by the applicant suggested that (4) pupils would be entering the public school system from the proposed development, in which Ms. Barrows questioned whether that would be accurate. Brian Martin of 7 Brook Ln.: submitted an analysis of the existing neighborhood/ letter opposing project. Town Building Inspector Dave Norton addressed topics that were brought up during the hearing, he reiterated that a Special Permit would be needed for work done in the flood plain; nothing official has been submitted to him or determined by him regarding the 100 ft. of frontage; this project does not include common driveways- therefore the applicant will not file with or be before the Planning Board for that matter. Board members expressed important aspects of the case that need to be addressed the next hearing, which include the following; Fitzgerald stated that he has questions regarding the CMG environmental analysis that was submitted at an earlier date. Zuker stated that he would like Rackemann, Sawyer & Brewster to be present and present the earlier submitted plans. Hiltz, Murphy and Coffey expressed their concern of screening/ density and would like to visit the topic closer. **Murphy made a motion to continue the hearing to October 4, 2017 @7:00pm, seconded by DeCelle, the vote carried 5-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey).**

Case No. 20-17, Patrick Chawan, 1079 West St., Special Permit Request:

Mr. Chawan presented to the Board plans for a proposed two car garage with an in-law suite above on the second floor. The square footage would be 896 sq. ft. garage, which would also be the square footage for the above in-law suite, along with a 200 sq. ft. sunroom. Zuker read Board comments which consisted of comments from the Town Engineer, Board of Health and Fire Department. Engineer comments were regarding water pipe placement shown on the plans to prevent potential damage during construction; Board of Health commented on the number of bedrooms not exceeding four (due to septic system) and Fire Department commented on the safety devices, such as detectors etc. Zuker opened the meeting to the public for comment, in which one of the Applicants abutters expressed that he is in favor of the proposed project. David M. of 1091 West Street requested to see the proposed plans. There were no further questions or comments from the Board or the public, **Hiltz made a motion to close the hearing, seconded by DeCelle, the vote carried 5-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey).** The Board found that the addition of the garage and above in-law suite still keeps the house in harmony with the character of the immediate and surrounding neighborhood regarding the size, elevation, style of addition, and it visually will still appear as a single family dwelling with a single exterior landing remaining. Also, the lot size is sufficient with the size of the proposed addition and current dwelling, along with the addition remaining smaller than the main part of the house, and the elevation complies with all dimensional requirements. **Hiltz made a motion on behalf of the applicant to grant the Special Permit under 5-B.2 of the Zoning bylaws with conditions in place, seconded by Coffey, the vote carried 5-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey).**

Case No. 18-17, Joe Rodrigues, 15 Marguerite Rd., Variance Request:

Dan Merrikin of Merrikin Engineering was present and representing the Applicant Joe Rodrigues, who was also present. Mr. Merrikin explained to the Board that the variance is for the construction of a detached two car garage on a lot that is already nonconforming and with the proposed construction infringing on the rearyard setback by 11 ft. It's explained that the variance is needed for several reasons,

which include the following; topographical constraint due to the upward slope of the backyard (approx. 8 ft.) which limits the use of the property; connecting the garage to the house would create awkward aesthetics and would restrict access to portions of the backyard, and that the frontage on Carpenter Road complies, however the frontage for this property is interpreted as both the front yard from both streets (Marguerite & Carpenter). It's explained that the detached garage would have a 12 ft. peak height with a gable roof and garage height of 9 ft. The garage will appear as a 1 story, two car garage that will be benched into the hillside and therefore will appear substantially smaller in height from adjoining properties and will be consistent with the adjacent structure's height. Mr. Merrikin stated that the design of the garage will tie in with the surrounding area and be in harmony with the neighborhood, as well as mentioning that several other properties in the surrounding neighborhood have variances. Zuker read comments from other Boards, which included minor comments from the Town Engineer. Zuker opened the meeting up for public comment, in which a letter of support was submitted by John Rull of 13 Marguerite Rd., as well as a letter of opposition by Albert & Rhonda Banks of 72 Hutchinson Rd. Rhonda Banks was present at the hearing and stated that in her opinion the proposed detached accessory structure is too large to fit in with the neighborhood, the structure would be close to her property line and also her bedroom/bathroom, and that it would cause the value of her property to decrease. Mr. Merrikin stated that the structure would have zero impact on the value of her home, and also that the proposed distance of the structure from her property is greater than the distance the Applicant can place the structure by right, and also that the design of the structure will be in harmony with the character of the neighborhood. The applicant offered to place a fence between the structure and her property to further screen and provide privacy to the area. Hiltz asked if there will be any windows on the structure, in which Mr. Merrikin stated that if there were to be windows, they would not be facing the Banks property, and would only be considered on the gable ends. **Murphy made a motion to close the hearing, seconded by Coffey, the vote carried 5-0-0 (Zuker, DeCelle, Hiltz, Murphy, Coffey).** The Board found that; based on the design, the structure will be in harmony with the neighborhood, the adding of a fence for screening and privacy is a progression, any other placement of the garage restricts the use of the backyard, and the placement of the structure of 18 ft. away from the property line is a better placement than the 10 ft. the applicant has by right. **Coffey made a motion on behalf of the applicant to grant the variance under 6-B.1 of the Zoning bylaws to allow a detached accessory structure with a rearyard setback of 18.8 ft. where 30 ft. is required with conditions. The motion was seconded by Murphy, the vote carried 4-1-0 (Zuker, Hiltz, Murphy, Coffey in favor; DeCelle opposed).**

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

The meeting adjourned at 11:00 p.m.