

ZONING BOARD OF APPEALS MINUTES OF AUGUST 17, 2016

A regular meeting of the Walpole Zoning Board of Appeals was held on Wednesday, August 17, 2016 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, and Timothy Foley, Associate Member.

Mr. Zuker opened the meeting at 7:03 p.m.

7:04 p.m. Rachel Wassel, 71 Pocahontas Street, Case No. 04-15 Continued Hearing for Special Permit: Mr. Zuker moved to allow the applicant to withdraw their application without prejudice as requested by Ms. Wassel on July 21, 2016. Motion seconded by Mr. Hiltz and voted 5-0-0.

7:05 p.m. McSharry Bros, Vacant Land off Pleasant Street, Case No. 03-16, Continued Hearing for Special Permit: Mr. Zuker moved to continue this hearing without testimony to September 14, 2016 at 7:00 p.m. as requested by the applicant's attorney, Philip Macchi, 1256 Washington Street, Norwood, MA. Motion seconded by Mr. Hiltz and voted 5-0-0.

7:07 p.m. Derek and Coreen Jackson, 38 Benny Street, Case No. 13-16, Variance Request: Mr. Zuker read the public hearing notice and comments that were received. Mr. Jackson stated he just wants to put on a farmer's porch. He had some water damage and is trying to get the water off the front of his house. Mr. Zuker stated that this would be allowed per Section 6.C.11 of the Zoning Bylaw. Mr. Hiltz asked if the porch is enclosed and Mr. Jackson stated no. There is just a question on the overhang on the deck.

Mark Tomasello, Mr. Jackson's contractor, stated he was told that the problem will be when he adds the stairs. Mr. Hiltz asked if he applied for a building permit and Mr. Tomasello stated yes and then a week later they were told they needed to apply for a variance. Mr. Foley agrees this is a matter of right. Mr. Zuker doesn't think they have to be here. Mr. Hiltz stated the application needs to be amended to appeal the ruling of the Zoning Enforcement Officer as they are compliant with zoning. This request needs to be made by the Jacksons.

There were no public comments or concerns by various town boards.

A motion was made by Craig Hiltz and seconded by Timothy Foley to amend the application for a farmer's porch as requested by Derek and Coreen Jackson to an appeal of the Zoning Enforcement Officer's determination that their application does not comply with Section 6-C-11 of the Zoning Bylaw. The vote was **5-0-0 in favor** (Zuker, Hiltz, Coffey, Murphy and Foley voting).

A motion was made by Craig Hiltz and seconded by Matthew Zuker to grant an appeal from a decision made by the Zoning Enforcement Officer as the plans reviewed by the Board are in conformity with Section 6.C-11 of the Zoning Bylaw. The vote was **5-0-0 in favor** (Zuker, Hiltz, Coffey, Murphy and Foley voting).

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A motion was made by Craig Hiltz and seconded by Matthew Zuker to allow the applicant to withdraw their application for a **Variance** without prejudice as requested. The vote was **5-0-0 in favor** (Zuker, Hiltz, Coffey, Murphy and Foley voting).

7:25 p.m. Jonathan Hall, 120 Production Road, Case No. 11-16 Special Permit Request: Mr. Zuker read the public hearing notice. Mr. Hall stated he would like six cars inside the building and eight cars outside. He will be selling vintage cars from the late 50's to the late 70's. There are floor drains in the building which have been sealed up. This building was previously used for auto repair. The floors have been sealed and coated so there is no seepage.

Mr. Zuker asked if there will be a showroom and Mr. Hall stated no. Everything is sold on line. There will be no promotions, just storage in the warehouse. Ms. Murphy asked if there is someone else in that area that does that and Mr. Hall stated yes, but they sell newer cars and there are 20-30 of them. Mr. Hiltz asked why people don't come to look at them and Mr. Hall stated they are all British cars and typically for the retired. Mr. Hiltz stated usually someone inspects a product before they buy it. Mr. Hall stated inspections are welcome. Mr. Zuker questioned if there will be repairs. Mr. Hall stated minor repairs. Ms. Murphy asked if there will be any painting and Mr. Hall stated no. Mr. Zuker asked if there are gas traps and Mr. Hiltz asked if there are gas traps in the building. Mr. Hall stated all the drains have been previously sealed by the landlord. Mr. Zuker asked if it is paved outside where cars will be parked and Mr. Hall stated yes.

Mr. Zuker read board comments. Mr. Hall stated he has spill kits. Mr. Zuker thinks this is an appropriate site for this type thing. Mr. Hiltz stated he would like the applicant to go talk to Ms. Walker about spill kits as he doesn't know the efficiencies of spill kits versus gas traps. Mr. Hall stated the areas where the gas or oil could go into the ground have been sealed. He has not been able to talk to Ms. Walker.

There were no public comments.

Mr. Hiltz asked if the turnover is fourteen total. Mr. Hall stated if things get up to speed, maybe one car sold per week.

Mr. Zuker moved to close the hearing. Motion seconded by Ms. Murphy and voted 5-0-0.

A motion was made by Susanne Murphy, seconded by Craig Hiltz on behalf of the applicant to grant a Special Permit under Section 5-B.1.e of the Zoning Bylaw to allow the sale of antique cars via the internet. Cars will be stored on site.

The vote was 5-0-0 in favor (Zuker, Hiltz, Coffey, Murphy and Foley voting); therefore, the application for a Special Permit was granted subject to the following conditions: 1) No more than six (6) cars will be stored inside the building and no more than eight (8) cars will be stored outside the building; 2) Storage will be on paved surfaces only; 3) All drains and pipes or any

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alternative solution shall be approved by Margaret Walker, Town Engineer; 4) Limited repair of the cars incidental to the automotive sale will be allowed.

Ms. Murphy recused herself at 7:45 p.m.

7:46 p.m. 2140 Providence Highway, LLC, 2140 Boston-Providence Highway, Case No.12-16, Request for Special Permit: Mr. Zuker informed the applicant that there are only four board members voting on this application. Mr. Merrikin on behalf of the owner, Ellen Rosenfeld, stated they want to go forward tonight. Mr. Zuker read the public hearing notice. Mr. Merrikin stated they would like to put a Montessori School in the basement level of this building, which previously was a dorm in connection with Iorio Arena and located in front of the rink. It was a gym a one time. Ms. Rosenfeld bought the building about a year and a half ago. They will use the rear entrance of the building for a drop off scenario. The school will be for kids between 18 months to 18 years old with a maximum cap of 80 kids. There will be 8-10 employees and 101 parking spaces provided or 294 spaces in total on the property, which is a condo complex. There will also be a couple of spaces for visitors. It is one big site all owned in common ownership in the HB zoning district. There will be no hazardous materials on site. Mr. Zuker asked how they figured the appropriate parking for this and Mr. Merrikin stated it is a Code 6. He stated the school will be open Monday through Friday from 7:00 a.m. to 3:00 p.m. School will start at 9:00 a.m.

Tamika Porter, 64 Ruth Ellen Road, Bellingham will be running the school. She stated there will be 80 kids maximum during the school day. Mr. Merrikin stated they are hoping to get forty kids to start. Mr. Zuker asked if there is a drop off plan and Mr. Merrikin stated yes. The cars will go around the building and then leave. Mr. Hiltz stated previously this entire building was agreed to be an accessory use of the rink and it was built to house a U.S. Hockey team. The primary use was the rink. There was to be a lot of people dormered in this building that would be crossing over to the rink with cars coming and going. There is a potential for a traffic hazard on the site associated with the two building and he asked if that relief has been resolved. Mr. Merrikin stated yes, the issue revolved around the dorm. That issue has long gone away and was resolved in 2012. The applicant went on record saying they gave up their rights. They would like to put offices on the second floor. Ms. Porter stated the kids will stay on their property until a parent shows up. They will not be going to the rink from school. Mr. Zuker asked if there will be an outdoor area at the school and Mr. Merrikin stated there might be a small area fenced off, but no playground. There are four floors in the building, but the parking level floor and second floor are not built. Ellen Rosenfeld owns the building and the school will rent from her. Mr. Zuker stated his concern is safety as there will be a lot of kids there. Mr. Merrikin suggested the board could make directional signage a condition of approval. Mr. Zuker stated it was only a general comment and he just want it to as safe as possible. Mr. Merrikin stated he will work with Rob Barletta to make this beneficial to both the rink and the school. The most likely use is the rest of the building would be offices. Ms. Rosenfeld stated she is looking to rent this out and is talking to another school now.

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Mr. Zuker stated if successful, you will be using more and more of the parking. Mr. Hiltz asked if other schools would be allowed under this permit and Mr. Merrikin stated no. The board will be allowing them to use the basement level and some rooms on the next level. A new school would trigger a special permit.

Mr. Zuker read board comments and a letter of support from Apollo Security. Mr. Ranieri, 2150 Route 1 stated he owns the Apollo building. He questioned the parking and stated he doesn't want it to spill into their area. Ms. Rosenfeld stated that is not going to happen. Mr. Ranieri stated there was a lot of trash and Ms. Rosenfeld stated she picked it up. Mr. Ranieri stated they are fine with everything. Mr. Foley stated that the fire department had no issues, but stated there should be a plan. Mr. Merrikin stated they are putting one together now.

There were no building department comments and no public comments.

Mr. Zuker moved to close the hearing. Motion seconded by Ms. Coffey and voted 4-0-0.

A motion was made by Timothy Foley, seconded by Matthew Zuker, on behalf of the applicant, grant a Special Permit under Section 5-B, Table 5-B.1.1.d of the Zoning By-Laws to allow a private for-profit school within the existing building at 2140 Boston-Providence Highway. The vote was (4-0-0) in favor (Zuker, Hiltz, Coffey and Foley voting); therefore, the application for a Special Permit is hereby granted, subject to the following conditions: 1) This special permit is for a Montessori or similar school to be located within the existing building at 2140 Boston-Providence Highway. The addition of a second school to the building would require a separate special permit; 2) The Applicant shall work with the other condominium owners to install appropriate traffic safety signage advising drivers within the overall site to drive carefully given the presence of children in both this facility and the Rodman Ice Arena facility.

8:20 p.m. Verizon Wireless, 234 Baker Street, Case No. 06-16: Mr. Hiltz recused himself. Mr. Zuker read a letter dated July 19, 2016 from Joshua Lanzetta requesting to withdraw the previously submitted Special Permit application and subsequent approval to install one CRAN canister antenna on utility pole 46-28-1x situated at approximately 234 Baker Street. The Zoning Board had granted approval of this Special Permit on June 8, 2016. It was discovered that utility pole 46-28-1x was mistakenly designated as the correct pole to attach the CRAN antenna. As such, they plan to submit a new Special Permit application depicting the correct utility pole. The new application will contain substantially the same materials as the previous package. Mr. Zuker stated Verizon can either file a new application or ask for an amendment, but feels the Board cannot withdraw this application as the appeal period has expired.

Mr. Zuker moved to adjourn. Motion seconded by Ms. Coffey and voted 4-0-0. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Craig Hiltz, Clerk

Accepted 10/26/16