

WALPOLE ZONING BOARD OF APPEALS MINUTES OF JANUARY 18, 2017

A regular meeting of the Walpole Zoning Board of Appeals was held on Wednesday, January 18, 2017 at 7:00 p.m. in the Main Meeting Room at Town Hall. The following members were present: Matthew Zuker, Chairman; James DeCelle, Vice Chairman; Craig Hiltz, Clerk; Susanne Murphy; and Timothy Foley, Associate Member.

Mr. Zuker opened the meeting at 7:04 p.m.

William T. Corbo, Continued Hearing, Case No. 22-16, 1000 West Street (Assessors ID: 39-234), Special Permit request:

Matthew Zuker stated that zoning plans from 1996 were imperative to the final determination of the Special Permit to alter, extend and expand use of cottage on property, in which all of the Board agreed. Other Board comments made by other departments consisted of the Town Engineer, Fire Department and Board of Health. The Town Engineer suggested frontage correction and the proper curb cut regarding the driveway. The Fire Department commented that if the Special Permit were granted that the detached cottage acquire its own numerical street number for easier detection in emergency situations. The Board of Health commented that an updated Title 5 septic inspection should be performed. Extension filed through March 31, 2017 by Attorney William O'Connell. Mr. Hiltz moved to continue this hearing to March 1, 2017 at 7:00 p.m. and accept the extension with the understanding that Mr. O'Connell would present the previous zoning plans from 1996. Motion seconded by Mr. DeCelle and voted 5-0-0 (Zuker, DeCelle, Hiltz, Foley, Murphy).

McSharry Bros., Inc., Case No. 03-16, Vacant Land off of Pleasant Street, Special Permit request:

Attorney Philip Macchi presented supporting documentation and comments from Norwood Engineering and also pictures of the surrounding neighborhood of where the project would be built. Attorney Macchi reiterated that changes to the plans have been made in regards to sidewalks, fence lines and the amount of space from property lines and between units per Town Counsel's request. During public comment Attorney Gerald Blair represented two abutters; Seth Williams of 15 Maguire Park and John Gass of 7 Pleasant street, in which he expressed concern that the condominiums would not comply with the character and harmony of the surrounding neighborhood and that the plans do not satisfy the Town of Norwood's' split lot rule, which addresses that the land in Walpole is zoned for residential (GR) and Norwood is zoned for manufacturing. Bill Hamilton voiced concern about the split lot rule as well. John Gass and Allen Williams expressed concern about the clearing of trees in respect to the level of privacy and value of property, along with increased traffic. Seth Williams expressed concern about the level of density rising if the project were to be built. Attorney Macchi addressed concerns about traffic, in which a traffic study was done, and the Police Department did not note a concern. A discussion was held about the possibility of hazardous soil and smell in regards to the chemical train, which would have less screening if trees were to be removed. The Board cumulatively agreed that there is not enough screening between properties and that the six, two-family buildings would not be in harmony with the surrounding neighborhood. Mr. Zuker suggested that the buffer between the condominiums and the abutting properties be 30 ft. rather than the proposed 10 ft. in order to achieve harmony with the surrounding neighborhood. Attorney Macchi asked to continue the hearing in order for him to consult

with the engineer to modify the plans to allow for a 30 ft. buffer. An extension was filed by Attorney Macchi to March 31, 2017. A motion was made by Mr. Hiltz to accept the continuation of the hearing to March 1, 2017 at 7:00 p.m. and to accept the extension filed by Attorney Macchi. Motion was seconded by Mr. DeCelle and voted 5-0-0 (Zuker, DeCelle, Hiltz, Murphy, Foley).

At 9:35 p.m. Susanne Murphy excused herself from the hearing and did not participate in the Board's discussion and vote for the following cases: Atrex Energy, Inc., Case No. 15-16; Barberry Homes, LLC Minor Modification Request, Case No. 21-13.

Atrex Energy, Inc., Case No. 15-16, 19 Walpole Park South, Special Permit and Variance request:

Mr. Johnson and Attorney Philip Macchi provided a letter addressing questions that were raised during the previous hearing. Comments from other department boards were addressed, in which the Sewer and Water Department voiced concern regarding the chemicals (nickel oxide powder) and quantities, and therefore are not in favor of the Special Permit and Variance requests. All other departments' comments did not voice any concerns. During public comment Bill Hamilton addressed his concern about the possible water contamination within the wells if there were to be a spillage. Matthew Zuker specified that there are proper and effective safety procedures put in place to avoid such contamination. A motion was made by Mr. DeCelle to grant the Special Permit with the following conditions: 1. A point of use extraction system to an external dust collector (a 55-gallon steel drum or other appropriate container) shall be used to contain dust and avoid the material being released to the interior of the building. 2. The nickel oxide shall be stored in a closed room with no floor drains and have a secondary containment that can contain 110% of the product in case all of the primary containers are all punctured at the same time. 3. Spill kits shall be located in key areas. 4. All hazardous waste is to be removed by a Massachusetts DEP-licensed Hazardous Waste Transporter and taken to a Massachusetts DEP-licensed receiving/disposal facility. 5. The amount of nickel oxide stored on-site at any given time is limited to 1,000 kg. 6. A sketch showing locations and approximate floor elevation of its hazardous materials shall be submitted to the Fire Department and said sketch shall be updated as necessary. 7. An inventory of toxic and hazardous materials in excess of household quantities shall be submitted to the Building Inspector annually on the anniversary of the granting of this Special Permit. 8. Any deliveries of nickel oxide in amounts greater than household quantities shall be made in common carrier trucks designed to properly utilize the loading dock in order to minimize the risk of spillage during the delivery process. 9. As part of the existing annual groundwater monitoring program, typically completed in April of each year, a groundwater sample will be collected from monitoring well MW-4 and analyzed for dissolved nickel. The motion was seconded by Mr. Hiltz and voted 4-0-0 (Zuker, DeCelle, Hiltz, Foley).

Barberry Homes, LLC, Case No. 21-13, Moosehill Road, Request minor modification to the previously granted Comprehensive Permit:

Chairman Zuker read through the list of minor modifications being proposed. The applicants' counsel already agreed in writing to an extension through February 5, 2017 and to continue the matter until the Board's meeting on February 1, 2017. Mr. Zuker stated that the minor modifications appeared reasonable and that if the board receives a letter indicating the Town Engineer has completed her

review, then the applicant does not need to appear before the Board again on February 1, 2017 and that the minor modifications can be approved at that time.

Mr. Zuker moved to adjourn. Motion seconded by Mr. DeCelle and voted 4-0-0 (Zuker, DeCelle, Hiltz, Foley). The meeting adjourned at 10:23 p.m.

Respectfully submitted,

Craig Hiltz, Clerk