



**Town of Walpole  
Commonwealth of Massachusetts  
Zoning Board of Appeals**

John Lee, Chairman  
Susanne Murphy, Vice Chair  
Robert Fitzgerald, Clerk  
Mary Jane Coffey, Member  
Rick Merrikin, Member  
Drew Delaney, Assoc. Member

**FILE**

**DECISION – WALPOLE BOARD OF APPEALS CASE NO. 05-18**

**APPLICANT**

**Supa Cars, LLC.**

**LOCATION OF PROPERTY INVOLVED:**

**1900 Main Street  
Assessors Map/Lot: 46-67  
APPLICATION:**

RECEIVED  
19 JAN 14 AM 11:12  
TOWN OF WALPOLE  
TOWN CLERK

An Amendment to an existing Special Permit under Section 5-B-4.E. and a Special Permit under Section 5-B.4-D.D. of the Zoning Bylaws to allow the repair of outside cars, increase the number of cars parked on site, rental of U-Haul vehicles and metal crafting and body repair with no sanding or painting.

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On April 4, 2018 a Public Hearing was opened and was continued multiple times, on the expectation that the Applicant would provide additional information as requested by the Board. The hearing was last continued to January 2, 2019 at the Applicant's request to allow it time to provide the information requested by the Board. By certified letter dated December 17, 2018, the Board notified the Applicant that due to resignation of Board members, it no longer had a legal quorum sufficient to act on the Application, and recommended that the Applicant withdraw its application and resubmit to the newly-constituted Board. The letter informed the Applicant that the Board would be forced to deny the Application if it was not withdrawn. On January 2, 2019, the public hearing was re-opened in the Main Meeting Room of Town Hall and then closed for the purpose of deliberating and voting upon a decision on the application. The Applicant did not attend the January 2, 2019 public hearing and did not submit any further information for the Board's consideration. The Applicant did not seek to withdraw and did not submit a new application. The members who were present and voting:

John Lee, Chairman  
Susanne Murphy, Vice Chairman  
Robert Fitzgerald, Clerk

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### VOTE OF THE BOARD:

A motion was made by Ms. Murphy and seconded by Mr. Fitzgerald to deny the application for an amendment to an existing Special Permit under Section 5-B-4.E. and a Special Permit under Section 5-B.4-D.D. of the Zoning Bylaws to allow the repair of outside cars, increase the number of cars parked on site, rental of U-Haul vehicles and metal crafting and body repair with no sanding or painting, at 1900 Main Street, Walpole, MA 02081.

The vote was three (3) in favor, zero (0) opposed and three (3) abstained **(3-0-3)** to deny the application (Mr. Lee, Ms. Murphy, Mr. Fitzgerald in favor; Ms. Coffey, Mr. Merrikin, Mr. Delaney abstained due to the fact that they were not eligible to sit on the case), therefore, the **Amendment to the existing Special Permit and Special Permit under Sections 5-B-4.E and 5-B.4-D-D. was hereby denied.**

### REASONS FOR DECISION

It is the finding of the Board that the Applicant was unable to meet the requirements of Sections 5-B-4.E and 5-B.4-D.D., due to lack of information submitted and the subsequent failure to meet the requirements for provision of a Special Permit. The Applicant did not attend the January 2, 2019 hearing, did not request a continuance, and did not supply the information previously requested by the Board or otherwise to advance its case. Further, because of resignation of Board members, the Board lacked the legal authority to approve the Application, and no action short of withdrawal of the Application and resubmission would allow the Board to grant the requested approvals.

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**APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THE NOTICE OF DECISION IN THE OFFICE OF THE CITY OR TOWN CLERK.**

WALPOLE ZONING BOARD OF APPEALS

  
Robert Fitzgerald, Clerk

Date: 

135 School Street, Walpole, MA 02081

RF/am

cc:    Town Clerk                      Engineering                      Planning Board  
         Board of Selectmen    Building Inspector                      Conservation Commission

This decision was made on January 2, 2019 and filed with the Town Clerk on January 14, 2019.