

WALPOLE ZONING BOARD OF APPEALS MINUTES OF MARCH 3, 2021

A meeting of the ZONING BOARD OF APPEALS was held remotely via Zoom on WEDNESDAY, MARCH 3, 2021 AT 7PM. The following members were present on the Zoom Webinar:

Present: John Lee, Susanne Murphy, Bob Fitzgerald, Jane Coffey, Drew Delaney

Case No. 20-24, Radke Associates, LLC, 270 Moose Hill Road, 40B Comprehensive Permit:

Lee opened the hearing and read the written request from the applicant to continue the public hearing without testimony to the next available meeting date. Murphy motioned to continue the public hearing at the request of the applicant to 4/7/21 at 7PM via zoom, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Delaney-aye; Coffey-aye. The motion carried 5-0-0.

Case No. 21-1, Robert Carnes, 1049 Main Street, Variance Request:

Lee opened the hearing, present was the applicant Robert Carnes. Mr. Carnes explained to the board that he is seeking a variance due to a need for more storage at his business "Crisp", since the business is currently utilizing all of the interior storage space, and he needs more storage space to store materials such as outdoor materials, blowers, paper supplies and chemicals, etc. The applicant stated that he is proposing a prefabricated shed, which would be placed up against his lot line in the rear-left corner of his property, where 10 ft. of a rear-yard setback is required within the Central Business District. Mr. Lee asked the applicant the size of the proposed shed, in which the applicant stated that he was unsure of the exact dimensions. Mr. Lee mentioned that the plot plan the applicant submitted with his filing does not show the shed at all, and recommended to the applicant that he continue the public hearing to another date in order to allow him to provide a certified plot plan that shows the exact dimensions and placement of the proposed shed. Furthermore, Mr. Lee specified to the applicant that the board would not accept a hand drawing of a shed onto a previously certified plot plan that was used for a previous variance request in the past. Mr. Lee asked the other board members if they had any input, in which Mrs. Murphy emphasized that the size of the shed is required in order to move forward with this request. At the request of the applicant, Murphy motioned to continue the hearing to 4/7/21 at 7PM via zoom, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Delaney-aye; Coffey-aye. The motion carried 5-0-0.

Case No. 21-2, Robert Prindall, 191 Spring Street, Special Permit Request:

Lee opened the hearing, present was applicant Robert Prindall along with the homeowners. The applicant explained to the board that he is seeking a special permit under 5.B.2. of the ZBL for an accessory in-law suite, and noted that accessory in-law suite will be located within the unfinished space above the already existing 2-car garage. The applicant stated that the 2-car garage is attached to the house by an unfinished mudroom, and they would like to finish the garage space for a 1-car garage pull in, create a separate doorway to come into the side of the garage and build a staircase going up to finish the garage and mudroom space. The applicant stated that what is proposed would create a finished home with an attached garage that is shingled with windows to blend in with the existing home, that encompasses an accessory in-law suite for the homeowners two parents to reside. The applicant stated that this home is currently a 4-bedroom home and it will remain a 4-bedroom home. The board members or any departments had any outstanding questions or concerns relating to the proposal. At the request of the applicant Mrs. Murphy motioned to close the hearing, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Delaney-aye; Coffey-aye, the motion carried 5-0-0. Murphy motioned to grant the special permit under 5.B.2. of the ZBL, seconded by Coffey, with the standard conditions and two additional conditions which include; the 4-bedroom home shall remain a 4-bedroom home; the Fire Dept. shall review and stamp the plans prior to construction. Roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Delaney-aye; Coffey-aye, the motion carried 5-0-0.

PUBLIC MEETING:

Burns Avenue, 40 B: Discussion and vote on determination on applicants requested date of 2/14/21 for a modification on Comprehensive Permit dated 1/13/20 relating to Condition E.13.:

- Lou Petrozzi of Wall Street Development was present. Mr. Lee explained that a letter dated 2/14/21 was submitted to the board requesting a modification to Condition E.13. of the previously granted Comprehensive Permit, in which he is requesting that the hours of construction activities of Monday-Saturday be changed from 8AM-5PM to 7AM-7PM. Mr. Lee further stated that the board must make the determination as to whether the modification request is substantial or minor. Mr. Lee stated that Mr. Petrozzi's submission also included a letter from Walpole Public Schools stating that at this time, there are currently no students riding the bus on Burns Ave. in East Walpole. Mr. Petrozzi explained that the typical start time for construction activities is 7AM, and that the reason for the board conditioning the Comprehensive Permit to a start time of 8AM was due to the concerns of school children and others that may be walking along Burns Avenue before 8AM. Mr. Petrozzi explained that since there are few residents walking the roadway before 8AM due to there being no school aged children riding the bus, he would like the condition modified. Mr. Lee stated that the condition was placed into the decision due to public safety concerns, and just because there are not any school aged children on Burns Avenue at the moment, it doesn't mean that there won't be any in the future. Mr. Lee stated that he feels that the request is substantial and the other board members concurred. Murphy motioned to determine that the request for the modification is substantial, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Delaney-aye; Coffey-aye, the motion carried 5-0-0. Mr. Lee explained that since the modification was deemed substantial, that a public hearing for the substantial modification must be opened within 30 days of the determination. The board determined that the opening of the public hearing for this substantial modification will be held on 3/24/21 at 7PM via zoom.

Other Business - Discussion Items:

Proposal for joint committee on Inclusionary Zoning:

Andrew Flowers from the Walpole Housing Partnership was present and presented to the board a proposal for a joint committee for the Inclusionary Zoning Bylaw. Mr. Flowers would ideally like two members from the ZBA, Planning Board and Housing Partnership to be on the committee for the purpose of potentially revising and resubmitting a new Inclusionary Zoning Bylaw and updating the town's Housing Production Plan. Mr. Lee stated that traditionally the Zoning Board does not participate in zoning articles, however, the current members of the ZBA could offer an educated perspective on affordable housing. Mr. Lee stated that he has emailed the Town Administrator asking for a legal opinion from Town Counsel relating to whether it is appropriate for members of the ZBA to be on a committee such as the one proposed, and stated that he would like to hold off on making a decision on this item until Town Counsel provides a response. Mr. Lee asked the other members of the board what their thoughts were, which included the following;

Mrs. Murphy expressed her opposition to the ZBA being on such a committee having to do with zoning articles

Mrs. Coffey echoes Mrs. Murphy's stance

Mr. Fitzgerald was not opposed to participating on such a committee, however agreed that the board should hear back from Town Counsel before making a decision

Mr. Delaney had no comment at this time

Minutes: Murphy motioned to accept the minutes of 2/11/21, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye, the motion carried 4-0-1 (Delaney abstained).

Murphy motioned to adjourn, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Coffey-aye; Fitzgerald-aye; Delaney-aye the motion carried 5-0-0.

The meeting adjourned at 8:05 PM

6/16/21