

WALPOLE ZONING BOARD OF APPEALS MINUTES OF MAY 29, 2019

A meeting of the Walpole Zoning Board of Appeals was held on Wednesday, MAY 29, 2019 at 7:00 PM in the Richard Stillman Community Room at Walpole Police Department. The following members were present: John Lee, Chairman; Susanne Murphy, Vice Chairman; Bob Fitzgerald, Clerk; Mary Jane Coffey, Member; Rick Merrikin, Member; Drew Delaney, Associate Member.

7:00 PM Lee opened the meeting

Rick Merrikin recused himself from Case No. 01-19

Case No. 01-19, Patricia Pizzano, 98 Summit Ave., Special Permit Request:

Lee opened the hearing, Dan Merrikin of Legacy Engineering was present, a revised plan was submitted at least hearing that the Board wanted Town engineer Maggie Walker to review, along with Town Counsel. Maggie and Town Counsel submitted letters stating that they both do not have any outstanding issues regarding the revised plan. The only relief needed is due to frontage not meeting requirements and lot size which is pre-existing. Lee opened the hearing up to the public for comment, which there wasn't any. Coffey made a motion to close the hearing, seconded by Murphy, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Delaney). A motion was made by Murphy, seconded by Coffey, to make a Determination pursuant to Section 9:2.G(4) of the Zoning By-Laws to allow the existing dwelling at 98 Summit Avenue to be demolished and reconstructed so that the use will not be considered "abandoned, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Delaney). A motion was made by Murphy, seconded by Coffey, to grant a Determination under MGL 40A Section 6, Paragraph 1 to allow the proposed reconstruction and expansion of an existing non-conforming single-family residence at 98 Summit Avenue, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Delaney).

Rick Merrikin returned back to the meeting

Case No. 09-19, Colbea Enterprises, Map 53/ Lot 31, Special Permit & Variance Requests:

Lee opened the hearing and read a letter addressed to the Board from the Applicants representative requesting to withdraw the application without. Coffey made a motion to accept the applicants request to withdraw without prejudice, seconded by Delaney, the motion carried 5-0-1 (Lee, Fitzgerald, Coffey, Merrikin, Delaney in favor; Murphy abstained)

Case No. 05-19, Wall Street Development Corp., 48 Burns Ave., Comprehensive Permit Request:

Lee opened the hearing, Applicant Lou Petrozzi was present, along with LSP Michael Pierdinock of Lightship Engineering in order to discuss environmental aspects of the project. The peer review from BETA Group was submitted on 5/28/19, and the legal opinion on site access regarding Burns Ave was submitted by Town Counsel on 5/29/19. Pierdinock explained to the Board that he was able to delineate the extent of the contaminated soil on site and successfully excavate it out. A risk assessment was done on the ash laden fill, arsenic and lead were found, however the amounts found were at a "no risk" assessment level, and therefore no notification to the DEP or MCP was required. The following concerns of Board members and topics were discussed; date of original test pits, soil contamination, test pit location, excavation timeline, catch basin location, contaminants soil was tested for. Lee opened the hearing up to the public for comment which included the following;

Conroy of Burns Ave.: number of test pits

Sheean of 28 Burns Ave: fill removal

Barrows of 189 Union: soil contamination

Coffskey of 29 Burns Ave.: airborne substances

Campbell of Burns Ave: site access/ power point presentation given

With regards to site access, Town Counsel- George Pucci, who was present, suggested that the Applicant's counsel reply to the Campbell power-point presentation given, and that Town Counsel will also provide a response at a later date. With further information needed, Murphy made a motion to continue the hearing to 6/19/19 at 7PM at the Police Station, seconded by Coffey, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Merrikin)

Case No. 07-19, Christopher Brundrett, 13 McKinley Ave., Special Permit & Variance Requests:

Lee opened the hearing, John Glossa of Glossa Engineering present, along with the Applicant. Glossa explained to the Board that the applicant is seeking relief under Section 6-B.1 for the proposed covered porch that's less than 30 ft. from the street. Lee read Board comments from the Town engineer. There is currently an existing 3 bedroom house, and the project is proposing to take existing house down and construct a modern 2 story colonial. The proposed porch is a 5 ft. wide farmers' porch located at the front of house which is set back 20.6 ft. from McKinley Ave. The proposed lot coverage by the building would be 16.5 percent, and impervious coverage (including driveway) would be 2.9 percent. Applicant needs relief to allow proposed house to be built at same distance back and variance to allow porch to be approx. 9 ft. closer to street than what is allowed. Glossa stated that if the proposed house were to be moved back further from the street, it would be less than 20 ft. from septic, it is currently designed to be 20.33 away from septic. It was noted that the proposed house is not blocking site distance from abutters' houses, and there will be less traffic when the driveway is relocated. Lastly, it was stated that a new septic system is to replace the existing cesspool. Lee opened the hearing up to the public for comment, which included the following;

Doug Burchesky of 17 McKinley Ave: in favor of the proposed project

Merrikin made a motion to continue the hearing to 6/19/19 at 7PM at the Police Station, at the applicants request in order to allow time for a revised plan to be submitted to the Board, seconded by Coffey, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Merrikin)

Case No. 08-19, Thomas & Kristen Piscatelli, 11 Yonker Place, Special Permit Request:

Lee opened the hearing, the applicant was present, along with the architect, Henry A. Lee read Board comments from Engineering, Community Development and Fire dept. the Applicant explained that they are seeking a Special Permit for accessory in-law suite. Proposed elevations of in-law are same as existing home in order to blend in with exterior of the house. The accessory in-law will not be visible from the street, and there will only be one water meter and common utilities. It was stated that in order access in-law suite from the garage, one would have to enter the mudroom from the house, which is an open, shared space. Lee opened the hearing up to the public for comment, which there wasn't any. Murphy made a motion to close the hearing, seconded by Coffey, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Merrikin). A motion was made by Merrikin and seconded by Fitzgerald to grant a Special Permit under Section 5-B.2. of the Zoning Bylaw to allow the construction of a new "In-Law Suite" conforming to Section 5-B.2. Accessory In-Law Suites of the Town of Walpole Zoning Bylaws.

Minutes: No minutes were accepted at this time.

Coffey made a motion to adjourn, seconded by Murphy, the motion carried 6-0-0 (Lee, Murphy, Coffey, Fitzgerald, Merrikin, Delaney)

The meeting adjourned at 10:30 PM