



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

Zoning Board of Appeals
John Lee, Chair
Bob Fitzgerald, Clerk
Jane Coffey, Member
Drew Delaney, Member
David Anderson, Member
Judith Conroy, Assoc. Member
Mark Major, Assoc. Member
Timothy Hoegler, Assoc. Member

DECISION- BOARD OF APPEALS CASE NO. 21-13

APPLICANT:
Michael Connolly

OWNER OF RECORD:
Michael Connolly

LOCATION OF PROPERTY INVOLVED:
40 Coolidge Road
Walpole Assessors Map: 19-98
Zoning District: General Residence (GR)

APPLICATION:

A **Special Permit** under Section 5-B.3.N of the Zoning Bylaw to allow the garaging or maintaining of more than three (3) automobiles on the property.

The applicant within their application sought to have 10 automobiles on their property.

NOTICE OF HEARING:

Pursuant to Massachusetts General Laws, Chapter 40A, Section 11, notification of a Public Hearing for Case 21-13 was advertised on September 1, 2021 and September 8, 2021 in a newspaper of local circulation (Times Advocate). The Language of this Public Hearing notice was as follows:

**Town of Walpole
Zoning Board of Appeals**

Notice is hereby given that the Board of Appeals of the Town of Walpole will hold a **PUBLIC HEARING** in the **MAIN MEETING ROOM** of Walpole **TOWN HALL** on **WEDNESDAY, SEPTEMBER 15, 2021 at 7:00 P.M.** on an Application from **Michael Connolly, Case #21-13**, with respect to the property located at **40 Coolidge Rd., Walpole, MA**, Zoning District GR.

This Application is for a Special Permit under Section 5-B.3.N. of the Zoning Bylaws to allow more than three automobiles, specifically ten (10) or more on the property, where only three (3) are allowed under the current Zoning Bylaw.

VOTE OF THE BOARD:

On September 15, 2021 a Public Hearing was opened and held in the Main Meeting Room of Walpole Town Hall at 135 School Street, for the purpose of receiving information and voting upon a decision as to the granting of a Special Permit.

On September 15, 2021 the following members were present and voting:

John Lee, Chairman
Jane Coffey, Member
Drew Delaney, Member
David Anderson, Member
Timothy Hoegler, Associate Member

A motion was made by Ms. Coffey, and seconded by Mr. Anderson to **deny** a Special Permit under Section 5-B.3.N of the Zoning Bylaw to allow the garaging or maintaining of more than three (3) automobiles, specifically ten (10) automobiles, on the property at 40 Coolidge Road, where only three (3) are allowed under the current Zoning Bylaws.

The vote was (5-0-0) in favor of **denial**: Lee-aye, Coffey-aye, Delaney-aye, Anderson-aye, Hoegler-aye; therefore, the application for a Special Permit is hereby **denied**

REASONS FOR DECISION:

The Walpole Zoning Board of Appeals (the "Board") finds that the proposed Special Permit request to garage or maintain more the three (3) automobiles, specifically ten (10) automobiles, was not in harmony with the purpose of the Bylaw and the proposed use does not conform with the findings and determinations for which the Special Permit Granting Authority must render their decisions on a Special Permit request. Therefore, the Board has denied the Special Permit request under Section 5-B.3.N of the Zoning Bylaws.

The Board has made the following findings and determination pursuant to Section 2.2.B (1) of the Zoning Bylaws:

(a) Does and shall comply with such criteria or standards as shall be set forth in the section of this Bylaw which refers to the granting of the requested Special Permit;

As detailed herein, the request to garage or maintain more the three (3) automobiles, in this case ten (10) automobiles, can be requested for property within the General Residence Zoning District by seeking a Special Permit through the Zoning Board of Appeals. Therefore, the Board finds that this criterion has been met.

(b) shall not have vehicular and pedestrian traffic of a type or quantity so as to adversely affect the immediate neighborhood;

The Board finds that the proposal to garage and/or maintain more than three (3) automobiles, in this case ten (10) vehicles, could produce excessive vehicular traffic which would have adverse impacts within the immediate neighborhood. If all ten (10) automobiles are to be registered and operational then this could be detrimental to what is a residential neighborhood of predominantly a single-family dwellings. Therefore, the Board finds that this criterion is not met.

(c) shall not have a number of residents, employees, customers, or visitors, so as to adversely affect the immediate neighborhood;

The Board finds that this proposed garaging or maintaining of more than 3 vehicles will not result in the increase in the number of residents or visitors that would adversely affect the immediate neighborhood (employees and customers do not apply to this residential site). Therefore, the Board finds that this criterion is met.

- (d) shall comply with the dimensional requirements applicable to the zoning district in which the premises is located, including, without limitation, the applicable lot coverage and buffer zone requirements in Section 5-G;**

The Board finds that the proposed use will not impact the dimensional regulations within the General Residence District for which the site that the application is set. Therefore, the Board finds that this criterion is met.

- (e) shall not be dangerous to the immediate neighborhood of the premises through fire, explosion, emission of wastes, or other causes;**

The site currently holds a number of existing automobiles, automobile parts, and debris and has been documented to have sat in its current state for a number of years. This site currently possesses the potential for emissions of waste and fluids associated with the function of automobiles as well as danger for the residents and emergency services to navigate the site in the event of a fire. To allow for upwards of ten (10) automobiles within a site in its current condition possesses additional danger to the immediate neighborhood. Therefore, the Board finds that this criterion is not met.

- (f) shall not create such noise, vibration, dust, heat, smoke, fumes, odor, glare or other nuisance or serious hazard as to adversely affect the immediate neighborhood;**

The location is within a dense residential neighborhood. By allowing the garaging or maintaining of more than three (3) automobiles, in this case ten (10) automobiles, would drastically increase the potential for excessive noise, vibrations, dust, heat, smoke, fumes, odor, and glare that would adversely affect the immediate neighborhood. Therefore, the Board finds that this criterion is not met.

- (g) shall not adversely affect the character of the immediate neighborhood, and;**

The requested use would adversely impact the character of the immediate neighborhood. The property is a single-family dwelling that resides within the General Residence District. The parking requirements for this use as dictated within Section 8.3 of the Zoning Bylaws is two (2) parking spaces for each unit accommodated on the premises. The applicant's request to garage or maintain ten (10) automobiles is more than five (5) times the required parking for one (1) single-family dwelling unit. The existing conditions of the site, as well as violation notices from the Building Commissioner, show that the applicant is currently not in compliance with Zoning Bylaws, Section 5-B.3.M and local General Bylaws, Section 548-1 for storage of unregistered vehicles in a residential district. Therefore, the Board finds that this criterion is not met.

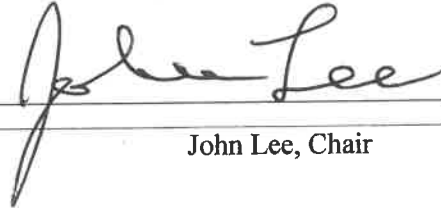
- (h) shall not be incompatible with the purpose of the Zoning Bylaw or the purpose of the Zoning District in which the premises is located;**

The Board finds that the requested Special Permit to allow for the garaging or maintaining of more than three (3) automobiles, specifically ten (10), at this premises is incompatible with the purpose of the Zoning Bylaws and the purpose of the Zoning District in which the premises is located. While the Section 5-B.3.N provides the opportunity for relief, the Board finds that the requested relief is not

only excessive, but also takes into consideration the existing conditions of the site, which as stated above are not in compliance with local Zoning and General Bylaws for vehicular storage. Therefore, the Board finds that this criterion is not met.

APPEALS FROM THIS DECISION FOR A SPECIAL PERMIT, IF ANY, SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN TWENTY 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

A handwritten signature in dark ink, appearing to read "John Lee", is written over a horizontal line. The signature is fluid and cursive.

John Lee, Chair

PD

cc: Town Clerk
Applicant
Building Inspector

This decision was made on September 15, 2021 and filed with the Town Clerk on September 29, 2021.

Zoning Board of Appeals