

The September 4, 2013, 2013 meeting of the Walpole Zoning Board of Appeals was held in the Main Meeting Room of Town Hall.

Chairman Susanne Murphy called the meeting to order at 7:00 P.M. with the following members present:

Susanne Murphy, Chairman
James M. Stanton, Vice Chairman
Daniel J. Cunningham, Jr., Clerk
Ted C. Case, Member
James S. DeCelle, Member

Matthew Zuker, Associate Member (not present)

7:00 p.m. – Michael P. and Bridget Servatius – Case #10-13 (cont'd from 8/14/13)
(Murphy, Stanton, Case, DeCelle, Zuker)

Mr. Cunningham recused himself from this hearing.

Ms. Murphy read the public hearing notice for **MICHAEL P. AND BRIDGET SERVATIUS, Case #10-13**, with respect to property located at 2 Mikayla's Way., Walpole and shown on the Assessors Map as Lot No. 27-252-1, Lot 2, Residence B Zone.

The application is for:

An Appeal from action taken by the Building Inspector, Jack Mee, with respect to Building Permit issued on 4/16/2013 to permit a multi-family dwelling in a Residence B District. Use not allowed. The property does not meet the requirements of c40A, Section 3; site plan review required.

Ms. Murphy informed the applicant that the Board has only a four-member Board for this case. The petitioner is entitled to a five-member Board and this hearing can be postponed until a five-member Board is present. With a four-member Board, there can be no negative votes in order for a motion to carry; however, a five-member Board can have one negative vote and four positive votes.

Attorney Blair, representing the appellants, chose to go forward with a four-member Board. Attorney Blair said that the stipulations in the Dover Amendment have not been shown, an unsigned lease has been shown to Jack Mee, Building Commissioner, and no real reference to educational services to the group home has been shown. Attorney Blair requested that, because the building permit request is being amended, the appellant be allowed to withdraw their appeal without prejudice, and that the permit issued on April 16, 2013 allows for a single family dwelling and does not allow a multi-family dwelling or a group home, and the Board waive the paying of additional fees if they come before the Board a second time on this dwelling.

Ms. Murphy informed Attorney Blair that the appellants would have to pay for postage and advertising. Attorney Blair agreed.

Attorney Jon Rockwood, representing the developer of the property – Mr. Roche, explained that the amended Building Permit application has not been completed. The lease between the developer and the Jewish Family Services will be signed early next week. Information will be provided in that lease regarding issues referred to at the previous hearing.

A motion was made by Ms. Murphy, seconded by Mr. Stanton, on behalf of the appellant to dismiss the appeal without prejudice.

The vote was **4–0–0 in favor.** (Murphy, Stanton, Case, DeCelle voting)

A motion was made by Ms. Murphy, seconded by Mr. Stanton, on behalf of the appellant to make a finding that the existing Building Permit BP-2013-0102 issued on April 16, 2013 permits construction of a single-family dwelling and does not allow a multi-family dwelling and/or a group home.

The vote was **4–0–0 in favor.** (Murphy, Stanton, Case, DeCelle voting)

A motion was made by Ms. Murphy, seconded by Mr. Stanton, on behalf of the appellant to waive the filing fee by the Appellant in the event that the Appellant's appeal an amended Building Permit or new Building Permit which allows multi-family and/or group home on this property.

The vote was **4–0–0 in favor.** (Murphy, Stanton, Case, DeCelle voting)

The grant of relief under this decision is limited to the relief expressly granted hereunder; and any other relief sought is hereby denied.

MINUTES

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, to approve the minutes of April 24, 2013 as written.

The Vote was **5-0-0 favor.** (Murphy, Stanton, Cunningham, Case, DeCelle)

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, to approve the minutes of May 15, 2013 as written.

The Vote was **4-0-0 favor.** (Murphy, Stanton, Cunningham, DeCelle) (Mr. Case was not present at that meeting)

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, to approve the minutes of June 12, 2013 as written.

The Vote was **5-0-0 favor.** (Murphy, Stanton, DeCelle) (Mr. Case and Mr. Cunningham were not present at that meeting)

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, to approve the minutes of June 26, 2013 as written.

The Vote was **5-0-0 favor.** (Murphy, Stanton, Cunningham, Case, DeCelle)

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, to approve the minutes of July 17, 2013 as written.

The Vote was **5-0-0 favor.** (Murphy, Stanton, Cunningham, Case, DeCelle)

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, to approve the minutes of August 14, 2013 as written.

The Vote was **3-0-0 favor.** (Murphy, Stanton, Cunningham) (Mr. Case and Mr. DeCelle were not present at that meeting)

There being no further business, the meeting adjourned at 8:00 p.m.

Daniel J. Cunningham, Jr.
Clerk

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Minutes were approved on October 23, 2013.