

ZONING BOARD OF APPEALS MINUTES OF APRIL 27, 2016

A regular meeting of the Walpole Zoning Board of Appeals was held on Wednesday, April 27, 2016 at 7:00 p.m. in the Main Meeting Room, Town Hall. The following members were present: Matthew Zuker, Chairman, James DeCelle, Vice Chairman; Susanne Murphy, Mary Jane Coffey, and Timothy Foley, Associate Member.

Mr. Zuker opened the meeting at 7:00 p.m.

7:01 p.m. McSharry Bros., Pleasant Street, Case No. 03-16: Mr. Zuker read the public hearing notice. The applicant was represented by Atty. Philip Macchi II, 1256 Washington Street, Norwood, MA and David Johnson, Norwood Engineering. Mr. Macchi stated this is located on the Norwood border and permitting is necessary only from Walpole, not Norwood according to both the Norwood and Walpole building inspectors. There will be no roadway going into the property, only a driveway. The lot is presently vacant. Mr. Macchi stated they will be going before the Planning Board for site plan approval next month. They feel this project fits in with the general character of the neighborhood.

Mr. Macchi stated the units are relatively small so there will be little impact to the schools. There is no need for a variance and the setbacks are taken care of. This does conform to zoning. There will be six small buildings with two units in each building.

David Johnson, Norwood Engineering stated there will be six duplex buildings accessed by a single 500' driveway. They are providing a sidewalk from Pleasant Street to the cul-de-sac. Each unit has at least one garage space with an option to have two spaces. In addition to each garage, there are two parking spaces for each unit. They are required to have 24 spaces but are providing 48 spaces including the garages. There are spaces available for guest parking. The width of the driveway is 26' so there will be room for on street parking. Therefore, the parking requirements have been exceeded. The frontage is along Pleasant Street and the rear line is opposite the frontage and all other lines are sideyard. Storm drainage has been taken care of. There will be sub-surface disposal and town water and sewer. They have approval from the Conservation Commission already. There is one 50' piece of property that goes out to Arbor Court and Maguire Court that will remain as a buffer and will only be used to house utilities. They met with Ms. Walker and have addressed all her concerns and submitted revised plans to her.

Alan Kearney, Architect, spoke to the streetscape. He stated there will be a traditional colonial façade. This is a low maintenance and well-landscaped project. Mr. Zuker asked if they will all look different and Mr. Kearney stated they haven't decided yet. Mr. DeCelle asked the height to the highest peak and Mr. Kearney stated about 28'. Mr. DeCelle stated they need to meet Section 6-D-2. Mr. Kearney stated they will make sure to do that.

Mr. Zuker read comment letters from Engineering, Fire Department, ConCom, Sewer and Water, Police and Planning Board. He also read a letter from Armando Federico, Pleasant Street.

Mr. Zuker asked for comments from the public.

John Gass, 7 Pleasant Street stated his house will become a corner lot if this goes through. He has spoken with many of his neighbors and none are in support of this. The traffic on this street is horrendous and sometimes there is a traffic jam. All the trees to be cut are mature trees. When he bought his house, he was told this was not a buildable lot. Mr. Gass stated when they went to the Conservation Commission meeting the room was packed with no microphones.

Mr. Gass asked what type of units are these going to be. He thought they were condos, but they mentioned individual homes at the ConCom meeting. There is also a railroad that abuts this property. There will be a big chemical train that they can see outside their front doors. He doesn't see how this will increase the town's tax base. Also, the ground is loaded with coal. If the water on their property is contaminated, the value of their property goes down. He also doesn't understand how a fire truck will get to this site as the houses will be so packed in. He asks that the town deny this variance as he feels they are skirting the spirit of the bylaw. Mr. Zuker stated they are before us right now for a special permit, not a variance. The threshold for a variance is much higher and a special permit more lax. He stated the stormwater report is not in our file, but it has been reviewed by our town engineer, who is very detailed oriented and very thorough in her reviews.

Mr. Gass stated one neighbor has 2' of water when it rains and he has mushy ground. The wildlife is incredible back there with hawks, deer, etc. When someone pays taxes on their land, they should be able to do what they want, but this is too many units. Mr. Zuker stated the special permit comes down to the negative impact on the neighborhood.

Sandra Nunley, 11 Maguire Park feels the buildings will be directly behind her shed. She feels there are too many units. Her house is 1300 s.f. and these buildings will be massive for such a small parcel of land. She is pleased with the colonial design, but feels there are too many of them. The water pressure is already terrible and they are not sure if the loop they are creating will make it worse. They are happy nothing will going on Maguire Park, but the property around it will be disturbed. The trees will be all gone. A 1900 s.f. home is big.

Seth Williams, 15 Maguire Park stated he lives near Units 9 and 10. There is a swing set and garden that is on his property. According to this plan, they will be using 10' of what he thinks is his backyard. He purchased this property two years ago. The previous owner said his father built that swing set and now he will be staring at another deck that will affect his privacy.

Mr. Gass asked if it is possible to have a peer review on the water and also where the property lines are. Also, can the applicant be bonded in case something happens down the road. Mr. Zuker stated the town engineer decides if peer review is necessary and the engineering firms carry insurance. He will check on the bond part.

Mr. McCallum, 37 Pleasant Street: he stated there is all kinds of debris there now and the traffic is horrendous on this street. He doesn't see how a hook and ladder can get access with only one way in and one way out. This area will be changed completely as will the whole nature of the area. Mr. Zuker stated obviously an owner has the right to develop their land, but it has to be in the right way. That is why we have zoning provisions.

Nancy McCallum, 37 Pleasant Street stated no one will buy any of these condos back there because of the view, so they will end up being Section 8 housing. Mr. Zuker stated that is a business decision on the applicant's part. We try and apply the code and criteria to be granted relief. There is a process.

Seth Williams, 15 Maguire Court stated he has a two family home, but it is not a rental. His parents live on the first floor and he lives on the second. He invited the board to visit the area.

Joe DiGerolomo, 1081 Pleasant Street, Norwood stated if you take away the tree line you will be looking at his building.

Edward Cotter, 8 Arbor Court stated the traffic on Pleasant Street is terrible because of the traffic coming from Norwood. They mentioned two parking spaces for each house and then 48 spaces. That impact on traffic would be bad. He thinks there should be a traffic review.

Mr. Zuker stated traffic is a criteria that has to be met to get a special permit. We do have some engineering reports on stormwater management. Alan Kearney stated he did submit some traffic information with the application including trip generation and traffic counts for two days, January 13 and 14. Ms. Murphy stated the traffic report states four cars will exit out on week days and one will enter at peak morning hours. Mr. Kearney stated there will be 48 spaces including one in the garage and two outside the garage.

Ms. Murphy questioned the hydrant locations and Mr. Kearney showed her on the plans. Mr. Zuker stated the fire department is okay with this. He also asked if these units have full basements or slabs and Mr. Macchi stated full basements. Ms. Coffey stated the water table is very high in this area. Mr. Kearney stated Norwood Engineering did a complete survey including a topo of the site. The reason that the swing set is shown where it is was because it is not on his property. There are six test pits done and five of those are in the back of the property. The elevation shown on the plan is correct. They read the wells in November of 2015 and again in April of 2016 and there was no water in them at those times. Mr. Zuker asked if we have those reports and Mr. Kearney stated yes. Regarding the water line and pressure and connection, the plan they got indicated there was a 6" line in Maguire Park. During the ConCom hearings, they were asked by many people about the water pressure. He said he did talk to Rick Mattson and he told him that the water pressure is good at 90 pounds, but the line is only a 2" service, which is why they have problems. They are now proposing to put in an 8" line which would solve their problems. Mr. Zuker stated we have your responses to the town engineer and he will ask her to come to our next meeting or at the least we could have her comments. This board wants to hear from Ms. Walker before commenting. He is concerned about the driveway and the impact on the neighborhood.

Mr. DeCelle stated you have a 121,000 s.f. lot, but it has a narrow tail with a sewer easement in it. Looking at the grading, you are clear cutting 100% of the lot except what is in Norwood. That jumps out at him quickly. The replacement landscaping doesn't do a lot to help the neighbors plus being 10' off the lot line. Mr. Zuker stated the plan needs work from a zoning and planning standpoint. He feels we need to look at the criteria. There have been some good comments from the neighbors and this will be a tight lot. Mr. Macchi stated it is a driveway and suggests the board defer to town counsel. They will

work with the town. Ms. Murphy asked if they had a neighborhood meeting and Mr. Macchi stated no. Ms. Coffey stated she is surprised by that and Ms. Murphy agreed. Mr. Zuker feels there is room for improvement and he also wants the town engineer's comments. He strongly suggests a neighborhood meeting between now and the next meeting.

There were no further questions. Mr. Zuker moved to continue this to May 25, 2016 at 7:00 p.m. Motion seconded by Mr. DeCelle and voted 5-0-0.

Mr. Zuker moved to close the meeting. Motion seconded by Ms. Coffey and voted 5-0-0. The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Matthew Zuker, Chairman

Accepted 6/22/16