



Town of Walpole Commonwealth of Massachusetts Zoning Board of Appeals

Zoning Board of Appeals
John Lee, Chair
Drew Delaney, Vice Chair
Robert Fitzgerald, Clerk
Mary Jane Coffey, Member
David Anderson, Member
Judith Conroy, Assoc. Member
Timothy Hoegler, Assoc. Member

MINUTES WALPOLE ZONING BOARD OF APPEALS September 7, 2022

Present: John Lee (Chair), Drew Delaney (Vice Chair), Robert Fitzgerald (Clerk), Dave Anderson, Judith Conroy (Associate Member), Tim Hoegler (Associate Member)

Absent: Mary Jane Coffey

Also Present: Patrick Deschenes (Community & Economic Development), Stephen Natola (Community & Economic Development),

Mr. Lee called the meeting to order at 7:00 P.M.

Board Business:

Discussion: case No. 06-19, BH Brightview New Pond Village, LLC c/o Benchmark Senior Living, LLC Special Permit Extension of Time.

Mr. Lee stated that this request from the applicant was for an extension of time on their Special Permit.

Attorney W. Jay Lee, representing the applicant, addressed the Board and stated that their client was requesting an extension of time due to the COVID-19 pandemic and rising construction costs. Attorney Lee stated that their client sought a one-year extension

Mr. Lee asked if there was anyone from the public that wished to speak regarding the request. There was none. Mr. Lee stated that it would be a majority vote to grant the extension and that voting on the request would be the four regular members and associate member Mr. Hoegler.

Motion to grant a one-year extension of time for Special Permit Case No. 06-19 by Mr. Delaney, seconded by Mr. Anderson.

The motion carried 5-0-0 (Lee-aye, Delaney-aye, Fitzgerald-aye, Anderson-aye, Hoegler-aye)

Case No. 22-20, Lisa Marie Bastianelli, 41 Forsythia Drive, Special Permit pursuant to Section 5-B.2 of the Walpole Zoning Bylaws to allow an accessory in-law suite (continued from 8/17/2022).

Case No. 22-20 resumed at 7:03 P.M.

Mr. Lee stated that what the Board needed from the last the meeting on this case was an updated plot plan, and that they now had it.

Mr. Lee asked if the Applicant or Board had anything else to add regarding the case. There were no additional comments. Mr. Lee stated that he hoped Board members were able to see the topography of the property which explained why certain elements were situated where they were displayed.

Mr. Lee stated that voting on the case would be regular Board members and Ms. Conroy.

Motion to close the public hearing for case no. 22-20, 41 Forsythia Drive by Ms. Conroy, seconded by Mr. Delaney.

The motion carried 5-0-0 (Lee-aye, Delaney-aye, Fitzgerald-aye, Anderson-aye, Conroy-aye)

Motion to approve Case No. 22-20, 41 Forsythia Drive, Special Permit for an accessory in-law suite based on a plot plan updated August 29, 2022 and a floor plans dated December 2021 by Berdi Consulting, subject to all standard conditions by Ms. Conroy, seconded by Mr. Fitzgerald.

The motion carried 5-0-0 (Lee-aye, Delaney-aye, Fitzgerald-aye, Anderson-aye, Conroy-aye)

Case No. 20-12, Bristol Brothers Development Corp., Renmar Avenue & West Street, Variance under Zoning Bylaws Section 10-C.2.(a)(3), requiring that an Adult Qualified Village development have a minimum setback along the perimeter of fifty (50) feet (Continued from 7/20/2022).

Mr. Lee read into the record a letter from the applicant, dated August 18, 2022, that they would be requesting a continuance to September 21, 2022

Motion to accept the continuance request to September 21, 2022 at 7:00 P.M. at Town Hall, with an extension of time until September 22, 2022 by Ms. Conroy, seconded by Mr. Delaney.

The motion carried 5-0-0 (Lee-aye, Delaney-aye, Fitzgerald-aye, Anderson-aye, Conroy-aye)

Case No. 22-23, Donna R. Monterio, 93 Summer Street, Special Permit under Zoning Bylaws Section 5-B.2. for an accessory in-law suite.

Case No. 22-23 opened at 7:09 P.M.

Mr. Lee read into the record the public hearing notice and project comment letters from municipal departments.

John Glossa, Engineer for the Applicant, provided the Board with a letter of support and further explained detail of the proposed project request. Mr. Glossa stated that a 864 S.F. addition would be off of the back of the existing house, with part of the new addition making up the floor area of the proposed in-law suite.

Mr. Glossa consulted with the Building Inspector regarding the applicant's property being within the Water Resource Protection Overlay District and that the proposed addition would account for the requirements of the overlay district.

Mr. Glossa stated that the proposed in-law suite is in compliance with the applicable section of the zoning bylaws and that the property owner's daughter will be moving in with her.

Mr. Lee asked about the location of the cased opening in the proposed floor plans submitted by the applicant.

Peter Lavoy, Applicant's builder, stated that was a change they made with the Building Department and that there will be an unobstructed opening between the primary dwelling unit and the in-law suite.

Mr. Delany asked about the proposed recharge system and why they choice two separate 300 gallon tanks instead of one 600 gallon tank. Mr. Glossa stated that they typically use precast products and it was easier to move the two 300 gallon tanks rather than one 600 gallon tank.

Mr. Delaney asked about why the downspouts were off the back of the house and not the front. Mr. Glossa stated that Building Commissioner Crowley stated to them that they are required to capture the water from the addition.

Mr. Delaney asked about the lifespan of the tank. Mr. Glossa stated the tank would last about 100 years but that it should be cleaned out about every 5 years.

Mr. Fitzgerald asked if the building was occupied now. Mr. Glossa stated that it was.

Mr. Lee stated is approved, along with standard conditions the decision will be conditioned to have dry-well tanks be maintained by the property owner and the 36 inched cased-opening will be maintained between the primary dwelling and the in-law suite.

Mr. Lee asked if the property abutted the Summer Street 40B. Ms. Monterio stated that it did not.

Motion to close the public hearing for 93 Summer Street by Ms. Conroy, seconded by Mr. Fitzgerald.

The motion carried 5-0-0 (Lee-aye, Delaney-aye, Fitzgerald-aye, Anderson-aye, Conroy-aye)

Mr. Lee stated that Mr. Anderson would be recusing himself from voting on the case.

Motion to approve Case No. 22-23 with standard conditions and the conditions that the dry-well tanks be maintained by the property owner and the 36 inched cased-opening will be maintained between the primary dwelling and the in-law suite by Ms. Conroy, seconded by Mr. Delaney.

The motion carried 5-0-0 (Lee-aye, Delaney-aye, Fitzgerald-aye, Hoegler-aye, Conroy-aye)

Case No. 22-24, Sarah Khatib, 35 Frontier Drive, Special Permit under Zoning Bylaws Section 5-B.2 for an accessory in-law suite.

Case No. 22-24 opened at 7:35 P.M.

Mr. Lee read into the record the public hearing notice and project comment letters from municipal departments.

Ms. Khatib explained her project and application request to construct an in-law suite for her mother-in-law.

Me. Lee stated that he would like to see how the proposed in-law suite would tie into the main house. Ms. Khatib explained the location was proposed with a door separating the primary unit and in-law suite.

Ms. Khatib stated that there is a lot of activity and noise within her house and that she would like to keep an interior door between the primary dwelling unit and in-law suite.

Ms. Conroy asked if there would be a wheelchair ramp accessing the in-law suite. Ms. Khatib described the location of the ramp on her applications architectural plans.

Mr. Lee asked if the existing house had a fire prevention sprinkler system. Ms. Khatib stated that the house did. Mr. Lee followed up and asked if the proposed in-law suite would have a sprinkler system as well. Ms. Khatib stated that if required by the Board the in-law suite would also have a sprinkler system.

Mr. Lee stated that the Board typically requires having an encased opening, and that he would not be in favor of approval of the Special Permit unless the door was removed. Mr. Lee stated that closing off the in-law from the primary dwelling leaves the possibility of creating a two-family dwelling.

Mr. Fitzgerald asked the applicant if it was possible to create an opening where the family room of the main house and the living room of the addition met so that there would be circulation between both units. Ms. Khatib stated that they did but did not think that design would work with what they wanted. Mr. Fitzgerald stated that the Board has consistently requested that applicant's provide an opening between both the primary dwelling unit and in-law suite.

Ms. Khatib stated that a neighbor on her street had an in-law suite with an interior door separating both units. Mr. Lee asked when the applicant's neighbor's Special Permit was approved. Mr. Deschenes stated that the neighbor's Special Permit was approved in 2020 and that he had a copy of the decision for reference.

Mr. Lee stated that it has been the Board's position to require an opening between both units and that they want to remain consistent with the previous actions.

Ms. Khatib asked if the Board had the legal authority to require applicant's to make changes like this to the interior of their home. Mr. Lee stated they need to maintain that the change to the home remains an in-law suite and not a separate dwelling.

Ms. Khatib stated that if the opinion of the Board then she would agree to remove the interior door.

Ms. Conroy asked Ms. Khatib if she would prefer to continue in order to redesign the proposal. Ms. Khatib stated that she did not need to as long as the removal of the door could be included as a condition of the decision.

Motion to close the public hearing for Case No. 22-24, 35 Frontier Drive by Ms. Conroy, seconded by Mr. Delaney.

The motion carried 5-0-0 (Lee-aye, Delaney-aye, Fitzgerald-aye, Anderson-aye, Conroy-aye)

Motion by Ms. Conroy, seconded by Mr. Anderson to approve Case No. 22-24, 35 Frontier Drive based on the plot plan dated 6/30/2022 and the architectural plans from Backbird Architecture dated 5/1/22 with standard conditions, and the conditions that the in-law suite will have a fire suppression sprinkler system in it, and that there would be no door separating the primary unit from the in-law suite.

The motion carried 5-0-0 (Lee-aye, Delaney-aye, Fitzgerald-aye, Anderson-aye, Conroy-aye)

Case No. 22-4, Thomas J. Powers, 132, 136, 140 Washington Street, Special Permit under Section 5-B.1.3.g of the Walpole Zoning Bylaws to allow for a three (3) story, six (6) unit, mixed-use residential development within the Business (B) Zoning District (Continued from 8/17/2022)

Case No 22-4 resumed at 8:02 P.M.

Mr. Lee stated that they had received new plan on the case recently and that there had not been enough time for department review comments. Mr. Merrikin, applicant engineer, stated that he would provide an overview of where the project was at to bring the Board up to speed and then ask for a continuance.

Mr. Merrikin provided an overview of the changes to the project proposal since their last meeting with the Board. These changes included one way of access to the site from Chestnut Street and one egress along Washington Street, as well as better incorporating the existing clocktower into the design of the building. Mr. Merrikin stated that he was working with the Town Engineer on reconfiguring the design of the site along Chestnut Street where the sidewalk flowed into Town property.

Mr. Lee asked about the placement of the proposed building compared to the original submission. Mr. Merrikin stated that the building was set back further off Chestnut Street in order to better incorporate the clocktower and that the building footprint got a little smaller.

Mr. Lee stated that it looked like the plans were improved.

Ms. Conroy stated that she had concerns about the parallel parking spaces shown along Chestnut Street if visitors to the site coming from Washington Street tried to utilize those spaces. Ms. Conroy asked if the applicant would consider angled parking instead. Mr. Merrikin stated that the last site plan had angled parking there, but there were concerns with the safety of drivers along Chestnut Street not seeing drivers backing out of angled parking spaces. Mr. Merrikin stated that the only way to get into the proposed parallel parking space would be from drivers already driving along Chestnut Street.

Ms. Conroy asked about the proposed the sidewalk around the site from Washington Street to Chestnut Street and whether the turn could be more gradual rather than the proposed ninety degree turn. Mr. Merrikin stated that this was something that he and the Town Engineer would need to look at.

Mr. Deschenes asked about the proposed MBTA fair station. Mr. Merrikin stated that the MBTA had approached the Town Engineer about finding a location.

Mr. Delaney asked about the parking flow on the site and if there was any designated delivery drop-off on site. Mr. Merrikin stated there was none designated at this time but there was room on site.

Mr. Delaney asked if the units would be rented or sold. Mr. Merrikin stated that they would be sold as condos. Mr. Delaney asked about electric charging stations on site. Mr. Merrikin stated that they are not currently proposing electric vehicle charging spots. Mr. Delaney asked if there were any preventative measures in place to prevent vehicle using the site to bypass the intersection of Chestnut Street and Washington Street. Mr. Merrikin stated that they could put up a signage.

Mr. Fitzgerald asked about the front of the building and of the applicant could explain why Washington Street was considered the front of the site when the building entrances faced Chestnut Street. Mr. Merrikin stated that it took its frontage from its address given it was a corner lot.

Mr. Lee stated that any roadway improvements or changes would need to be approved by the Select Board.

Motion to continue to October 5, 2022 at 7:00 P.M. at Town hall by Ms. Conroy, seconded by Mr. Delany.

The motion carried 5-0-0 (Lee-aye, Delaney-aye, Fitzgerald-aye, Anderson-aye, Conroy-aye)

Minutes Review

Mr. Fitzgerald asked is the executive session minutes could be revised to better reflect the advice from Town Council regarding the Board's reasoning to appeal.

Mr. Lee stated that the Board did not need to vote on minutes tonight in order to provide time for all members to review.

Adjournment:

Motion: by Ms. Conroy to adjourn, seconded by Mr. Delaney.

Motion carried 6-0-0 (Lee-aye; Fitzgerald-aye; Delaney-aye; Anderson- aye; Conroy-aye; Hoegler-aye)

Meeting adjourned at 8:28 pm