

## WALPOLE ZONING BOARD OF APPEALS MINUTES OF NOVEMBER 6, 2019

A meeting of the Walpole Zoning Board of Appeals was held on Wednesday, November 6, 2019 at 7:00 PM in the Main Meeting Room at Walpole Town Hall. The following members were present: John Lee, Chairman; Susanne Murphy, Vice Chairman; Bob Fitzgerald, Clerk; Jane Coffey, Member; Rick Merrikin, Member; Drew Delaney, Associate Member.

Also present: Ashley Clark, Community & Economic Development Director; George Pucci, Town Counsel; Chris Alphen, BBH Law- 40B Consultant

7:00 PM Lee opened the meeting

### **Case No. 05-19, Wall Street Development Corp- Burns Avenue Development LLC., 48 Burns Ave. (Map 20/ Parcels 119, 136 & 137), Comprehensive Permit:**

Lee opened the hearing, Lou Petrozzi of Wall Street Development was present, along with Rob Truax of GLM Engineering, and the Phil Paradis of BETA Group (peer reviewer). George Pucci of KP Law was present as Town Counsel and explained to the Board that after reviewing other documents that have been submitted during the public hearing process, it would be advisable to the applicant to conduct a full title search of the property, in which the applicant declined, and invited the abutters of the proposed project to challenge the property rights and access.

Prior to the hearing, the Board received a draft decision provided by the Towns 40-B consultant, Chis Alphen of BBH Law, in which they looked over. Alphen suggested that the Order of Conditions that the Conservation Commission issued on 11/4/19 be appended to the final Comprehensive Permit. Community and Economic Development Director Ashley Clark suggested that the applicant provide the ZBA with a list of updated waivers, along with architectural plans or the presence of a condition within the comprehensive permit regarding architectural plans. Petrozzi stated that he would prefer a condition within the comprehensive permit stating that the applicant will provide the architectural plans to the Board prior to the issuance of a building permit. Clark stated that narrowing in on the specifics of the outside appearance can be conditioned in the decision. Petrozzi stated that he will provide the Board with descriptive language of what the proposed buildings are going to look like. Paradis stated that the latest revised plans with a date of 9/25/19 do not include landscape plans, walkways, proposed patios, etc. The following recommendations and comments were made from the Board while looking over the draft decision;

- No construction should start before 8AM for safety concerns pertaining to school children, with the end of construction being at 5PM.
- A point of contact should be made available for the parties responsible during construction
- Notes depicting the changes/ differences in what was proposed and what is actually built
- All construction vehicles to be parked on the property
- Build road up to standard regarding the Town subdivision rules
- Trimming/ maintenance of vegetation w/in the ROW
- Additional parking spaces for visitors be added

Lee opened the hearing up to the public for comment which included the following;

- Jack Conroy: offsite improvements
- Robert O'Leary: frontage, waivers
- Liz Barrows: site eligibility, arbitrary conditions, utility placement

- Cathy Campbell: fire access rd., title search
- John O'Leary: state laws

Materials to be submitted from the applicant that are outstanding are the following;

- Fire dept. comments and proper access
- Architectural design
- Updated waiver list

With the above listed items still outstanding, the applicant agreed to provide them to the ZBA, Petrozzi requested an extension through 12/5/19, Murphy made a motion to grant an extension of time to 12/5/19 at the applicants request to close the hearing, seconded by Coffey, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Merrikin). Murphy made a motion to continue the hearing to 12/4/19 at 7PM in the Main Meeting Room, seconded by Coffey, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Merrikin)

**Case No. 25-19, Linda Thomas & Joseph Malveira, 235 Winter Street, Special Permit Request:**

Lee opened the hearing and read department comments. Applicants Linda Thomas and Joseph Malveira were present and explained to the Board that they are proposing an In-Law Suite within the existing footprint of their single-family home located in the basement in order to allow their older child and spouse to also reside at the residence. Thomas explained that the basement has a walk-out egress, with the current window to be replaced to conform to the required standards. There are no outside alterations proposed, the basement living space will be under 900 s.f. and there is ample parking that already exists in the driveway to the right of the house. Lee opened the hearing up to the public for comment which there was none. Murphy made a motion to close the hearing, seconded by Coffey, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Merrikin). Murphy made a motion to grant the special permit with the standard conditions and the following additional conditions; The plot plan is provided before the issuance of a B.P., the home will remain a 4 bedroom house, plans shall be submitted to the Fire Dept. for life safety approval, and the door shown on the plan going to the upstairs shall be removed, seconded by Coffey, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Merrikin)

**Case No. 16-19, Christopher Ogilvie, 4 Cranberry Lane, Special Permit Request:**

Lee opened the hearing and read a letter addressed to the Board from the Applicant stating that he wishes to continue the hearing without testimony to a later date and time. Murphy made a motion to continue the hearing to 12/4/19 at 7PM in the Main Meeting Room at the Applicants request, seconded by Coffey, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Merrikin)

**Case No. 24-19, New England Bar Pizza Co., dba Crisp, 1049 Main St., Variance Request:**

Lee opened the hearing and read the latest board comments regarding the revised plan that was previously submitted. A revised plot plan and wall rendering were submitted by the Applicant, along with photos of the properties existing conditions. With no further outstanding concerns from other departments, Lee opened the hearing to the public for comment, which there was none. Merrikin made a motion to close the hearing, seconded by Coffey, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Merrikin). Since this variance request was previously permitted by the ZBA in 2015, and never acted upon, the Applicant is simply seeking the same exact relief as previously permitted, Merrikin made a motion to grant the

variance based on revised plans with standard conditions in place, seconded by Murphy, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Merrikin)

\*Merrikin existed the meeting and did not return for the following items below\*

**Case No. 18-19, Providence Highway Realty Ventures, LLC, 623 Boston Providence Hwy., Special Permit Requests:**

Lee opened the hearing, Dan Merrikin of Legacy Engineering was present on behalf of the Applicant, and explained to the Board that revised plans were submitted to the Board prior to the hearing based on previous comments by the Town Engineer. With outlined parking areas on the plan, plantings and the lighting of the property explained, Lee opened the hearing up to the public for comment, which included the support of one abutter. Lee expressed his concern of cars being parked on the property within the 30 ft. setback, in which Mr. Merrikin assured the Board that the Applicant will not have any cars parked cars within the 30 ft. setback from the highway. Coffey made a motion to close the hearing, seconded by Murphy, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Delaney). Coffey made a motion to grant the special permits based on the revised plans with standard conditions and additional conditions including; no cars are to be parked within 30 ft. of the front lot line on Rte. 1; lighting will be reduced by fifty percent after 8:30 PM on the property, this motion was seconded by Murphy, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Delaney)

Minutes: There were no minutes accepted at this time.

**Discussion Items:** 40B Workshop (11/12/19): Ashley Clark recommended that the Board attend the 40B Info Session on November 12, 2019 at 7PM at the Senior Center.

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

**The meeting adjourned at 10:30 PM**