

WALPOLE ZONING BOARD OF APPEALS MINUTES OF FEBRUARY 5, 2020

A meeting of the Walpole Zoning Board of Appeals was held on Wednesday, February 5, 2020 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; Amy Messier, Administrative Board Secretary, Ashley Clark, Community & Economic Development Director; Mark Reich of KP Law (Town Counsel)

7 PM Lee opened the meeting:

Case No. 22-19, Optima Hospitality Group, LLC., 990 Boston Providence Highway, Special Permit and Variance Requests:

Lee opened the hearing, present was Attorney Phil Macchi or Macchi & Macchi, applicant David Wluka, Dave Johnson, Sr. project manager of Norwood Engineering, and Jason Adams of McMahon Associates.

Adams presented the traffic impact study, stating that they Applicant still needs to go before DOT in order to receive an access permit to remove the curb cut on Rte. 1 to reduce from the existing two curbs cuts down to one. Merrikin suggested to the applicant that internal signage within the parking lot be added.

Macchi presented the need for a dimensional variance, citing that economics play into the equation, and stated that the lack of a dimensional variance would require the Applicant to build something other than what was proposed, and would significantly increase the construction costs for the Applicant (approx. \$500,000.00). Macchi described the uniqueness of the project, due to the lot straddling the Walpole and Sharon Town line. Other unique aspects stated included; a split zone with different height requirements, landlocked lots and the presence of wetlands. It was stated that a municipal agreement between both Towns has been worked out regarding the following; building enforcement, 911 safety (Police & Fire) access and response, and Sewer & Water). Macchi noted that the Applicant is now proposing a building height of 62 feet, rather than the original 65 feet that was previously presented. Macchi presented visual perceptions of the proposed building, stating that the building is going to appear to look smaller than a conforming setback. Furthermore, it was stated that since the proposed building is located within the HBD, there are no residential neighbors, and the surrounding businesses will not be negatively affected. Merrikin asked how much it would additionally cost the Applicant to construct 4 floors in Walpole and 6 floors in Sharon, to which Wluka responded "Approximately \$500,000.00). Town Counsel was present and stated that the Applicant had valid arguments regarding the uniqueness of the lot and its financial component. Town Counsel expressed his support in the granting of the variance due to the circumstances that the Applicant has provided, along with referencing the Wolfman v. Brookline case, which provides a similar, valid argument.

Several Town departments were present to give testimony on the project, which included the following;

Fire Chief, Paul Barry: stated that the proposed wooden 65 ft. structure is allowed, and that the Dept. is familiar with this type of construction, and noted that the building will contain sprinklers with fire detection. Barry also noted that the ladders on the fire trucks are able to reach the proposed height, and the proposed turning radii complies with today's requirements. The building does have solar panels proposed, and even though they require different tactics with regard to a

fire emergency, Barry stated that the Fire Dept. is trained to properly address them and that the Fire Dept. is comfortable with the mutual aid agreement with the Sharon Fire Dept.

Police Chief, John Carmichael: Stated that the Police Dept. has no direct issues with the proposed project, and also has a mutual aid agreement with the Town of Sharon. Carmichael explained that in the event of an emergency, the 911 system would initially be directed to Walpole (due to Walpole phone number and the hotels front door being in Walpole), but Sharon would also respond and assist if needed. It was stated that Walpole will have slightly more responsibility with emergency calls, however a fiscal analysis was provided regarding the tax breakdown that was taken into consideration regarding this matter.

Town Administrator, James Johnson: Stated that both the Walpole Fire Dept. and Police Dept. made it clear that they were in favor, and adamant that they wanted to be the initial first responders and have more responsibility. Johnson noted that due to the majority of the hotel being in Walpole, the tax revenue will outweigh the burden of taxes regarding this.

Deputy Building Commissioner, Jim Crowley: Stated that multiple meetings between the Building Officials in Walpole and Sharon have given Walpole complete jurisdiction over everything regarding inspections and permit fees (full enforcement and revenue). Crowley agreed that if the Applicant were reconfigure the proposed hotel and build 4 stories in Walpole and 6 stories in Sharon, it would be a significant cost expense to the Applicant due to having to alter Sharon's side with regard to meeting building code and design. Town Counsel stated that the Town took into consideration the inter-municipal agreements and any potential difficulties that could arise, and that all agreements in place include a financial benefit to the Town of Walpole and are acknowledged and recognized by the Town of Sharon.

Community Development Director, Ashley Clark: Stated that the project does not derogate from the bylaw due to the following;

1. Provides secure safety from dangers (Fire & Police)
2. Supports the economic wellbeing of the Town (letter of support from EDC)
3. Provides an increase in traffic safety (proposed improvements)

Town Administrator, James Johnson: Stated that the BOS is in support of this project, along with every other department, and that the project will generate revenue for the tax payers, ad benefit and fund the water & sewer repairs, along with roadwork.

-Murphy motioned to close the hearing, seconded by Coffey, the motion unanimously carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Merrikin).

Murphy motioned to amend the requested Variance to 62 ft. in height instead of 65 ft., seconded by Fitzgerald, the motion unanimously carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Merrikin)

-Murphy motioned to grant the Variance to allow 62 ft. in height and 5 stories, seconded by Coffey, the motion did not carry, with a 3-2-0 vote (Coffey, Fitzgerald, Merrikin in favor; Lee and Murphy opposed), the request for a variance was denied.

-Coffey motioned to grant a special permit, seconded by Merrikin, the motion unanimously carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Merrikin).

Case No. 01-20, Joseph Carey, 63 Beethoven Ave., Special Permit Request:

Lee opened the hearing, Applicant Joseph Carey was present, along with John Glossa of Glossa Engineering, Inc. Glossa explained to the board that the Applicant is seeking to add an in-law suite onto their single-family home, with a proposed unit size of 968 s.f. It was stated that the proposed in-law suite will match the siding of the house and existing roof in order to blend in with the characteristics of the existing dwelling. The majority of the addition will be placed in the rear of the property, and egress landings are situated to maintain the appearance of a single-family structure. Front and rear yard dimensional requirements will remain the same, with the only change being the side yard, which is currently 33.5 ft. and 25.2 is proposed. Parking is to remain as is, the current single-family home has a two car garage, with plenty of room in the driveway to accommodate another vehicle. Lee opened the hearing up to the public, which there was none. Coffey motioned to close the hearing, seconded by Murphy, the motion unanimously carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Merrikin). Coffey motioned to grant the special permit, with standard conditions and added conditions that; there shall be no site grading on the property and that the applicant shall submit a septic system expansion plan to the BOH, seconded by Murphy, the motion unanimously carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Merrikin).

Case No. 02-20, Sayed Halabi, 1363-1391 Main St., Special Permit Request:

Lee opened the hearing, Applicant Sayed Halabi was present, along with his engineer of Feldman Land Surveyors. Halabi explained to the board that he is proposing to demolish the existing building (Leos Pizza), and rebuild, with commercial space on the 1st floor, and residential units on the second and third floors. The total lot area is 32,488 s.f. It was stated that the proposed parking is on the side of the building and also a proposed parking garage underneath for residents of the second and third floor units. Murphy and Lee voiced concerns of traffic relating to the proposed parking garage. Murphy asked what business was going on the first floor, in which Halabi stated that he is unsure at the moment, however it would not be a food establishment due to lack of required parking spaces. With more information needed on the project, Murphy made a motion to continue at the Applicants request to 3/18/20 at 7PM, seconded by Coffey, the motion unanimously 5-0-0 (Lee, Murphy, Fitzgerald, Coffey, Merrikin).

Case No. 20-19, Cedar Creek Homes, LLC., 960 West Street, Special Permit Request:

This case was not heard, nor continued to a specific date and time.

Case No. 19-19, John Shalbey, 2180 Boston Providence Hwy., Special Permit/ Variance Requests:

This case was not heard, nor continued to a specific date and time.

Minutes: Coffey made a motion to accept the minutes of 12/4/19 with edits, seconded by Murphy, the motion unanimously carried 6-0-0 (Lee, Murphy, Fitzgerald, Coffey, Merrikin, Delaney)

Murphy Made a motion to accept the minutes of 1/15/2020, seconded by Fitzgerald, the motion carried 3-0-2 (Lee, Murphy, Fitzgerald in favor; Coffey, Merrikin, Delaney abstained)

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

The meeting adjourned at 9:40 PM

Accepted 7/27/2020