

## WALPOLE ZONING BOARD OF APPEALS MINUTES OF May 2, 2018

A meeting of the Walpole Zoning Board of Appeals was held on Wednesday, May 2, 2018 at 7:00 PM in the main meeting room. The following members were present: Matt Zuker, Chairman; Craig Hiltz, Vice Chairman; Robert Fitzgerald, Clerk; Susanne Murphy, Member; Mary Jane Coffey, Member; John Lee, Associate Member.

Zuker opened the meeting at 7:00 PM

### **Open Session:**

#### **Case No. 06-18, 1327 Main Street Realty, LLC, 1327 Main Street, Special Permit Request:**

Zuker opened the hearing, Dan Merrikin of Merrikin Engineering was present on behalf of the Applicant. Merrikin explained to the Bd. that the changes on the revised plans are as follows; trench drain additions, signage details, decreasing the exit of the driveway to 20 ft. versus 26 ft., one way circulation coming in from Norfolk St. and exiting on Main St. The revised plans addressed all 3 previous comments made by the Town Engineer: 1) Mass DOT for curb-cut for driveway on Main St. 2) contact E-911 for address (assigned 2 addresses). 3) Utility as-builts. A comment letter was read from Tim Higgins stating everything in his previous letter has been resolved. Merrikin addressed the Special Permit Table change from p.ii to the correct q.ii. under Section 5-B. Zuker asked where the Applicant stood in regards to site plan, Merrikin stated they are before the Planning Bd. in two weeks, and anticipates the closing of their hearing, Higgins agreed. Zuker opened the hearing up to the public for comment, in which there wasn't any. Murphy made a motion to close the hearing, seconded by Hiltz, the motion carried 5-0-0 (Zuker, Hiltz, Fitzgerald, Murphy, Coffey). Zuker made a motion to amend the application by changing the Special Permit request from Section 5-B, Table 1.4.p.ii to Section 5-B, Table 5-B.1.4.q.ii, seconded by Hiltz, the motion carried 5-0-0 (Zuker, Hiltz, Fitzgerald, Murphy, Coffey). Zuker made a motion to grant a SP, subject to the revisions and 5 conditions discussed, seconded by Fitzgerald, the motion carried 5-0-0 (Zuker, Hiltz, Fitzgerald, Murphy, Coffey).

#### **Case No. 08-18, Norman Eibye, 100 High Street, Variance Request:**

Zuker opened the hearing, applicant Norman Eibye was present, along with the property owners Dave and Gina Westcott. Pictures of existing conditions were submitted by the Applicant at the hearing. It was stated by the Applicant that the house was built in 1980, and for the proposed project they are seeking a Special Permit to replace the existing deck with a new 20'x12' deck with stairs and to legalize the location of the house. Eibye explained to the Board that the shape of the lot is triangular in nature, with the existing house not centered on the lot. The existing deck that was already in place when the homeowners purchased the property approximately 9 yrs. ago is rotting, and the construction of a slightly larger deck within the same location as the existing nonconforming one would allow the homeowners more usable space outside. The Applicant also stated that the existing egress doors are located at the end of the house, and to relocate the doors and the deck would be a substantial hardship, and that the proposed deck will not exceed the current deck setbacks. Zuker read Board comments which consisted of comments from the Town Engineer, Community Development Director and the Board of Health. Zuker opened the hearing up to the public for comment, which there wasn't any. Hiltz

made a motion to close the hearing, seconded by Murphy, the motion carried 5-0-0 (Zuker, Hiltz, Fitzgerald, Murphy, Coffey). After much debate the Board decided that the verbiage to “legalize the location of the house” is not necessary. Hiltz made a motion to amend the motion to grant a Variance to allow a deck to be constructed at 19 ft. and an existing house to 28.2 ft. as per the plan presented at the public hearing, with conditions in place, seconded by Zuker, the motion carried 5-0-0 (Zuker, Hiltz, Fitzgerald, Murphy, Coffey).

**Case No. 09-18, Javier Fortin, 1 Rustic Road, Special Permit Request and Appeal:**

Zuker opened the hearing, Applicant Javier Fortin was present along with the Applicants Architect of Boston Architects and Builders Inc. It was explained to the Board that the applicant is requesting a Special Permit for the construction of an In-Law Suite and also an appeal of the Z.E.O’s determination with regards to a sideline setback in lieu of a rear setback due to a corner lot classification. Plans submitted showed 3 phases of construction, which included the addition of the in-law suite first, with the demolition and reconstruction of the house at a later phase. It was noted that the garage will not be replaced after it is demolished. Zuker read Board comments which consisted of comments from the following departments; Town Engineer and the Community Development Director. Due to the appearance of the proposed project and more information that is needed, Murphy made a motion to continue the hearing to June 6, 2018 at 7:00 PM, seconded by Hiltz, the motion carried 5-0-0 (Zuker, Hiltz, Fitzgerald, Murphy, Coffey).

**Case No. 10-18, Hugh and Christine Deery, 20 Marylins Way, Request to Amend a Variance:**

Zuker opened the hearing, applicant Hugh Deery was present, and explained to the Board that he is seeking a Variance for a proposed two car garage, which would be an extension of a previously granted Variance in 2005, with a new side yard setback and extension of the previously granted rear yard setbacks. Deery stated that the property is a narrow and elongated lot, and that the existing house was constructed on the left end/edge of the lot and no future consideration was made for a left side addition, and therefore the house configuration only allows for a garage on the left side. Furthermore, the Applicant stated he would be unable to construct the garage if the rear setback variance was not granted due to the entrance into the main house being in the footprint of the same variance area granted in 2005. With regards to the side setback, he has cut his proposed 30 ft. wide to 26 ft. in order to minimize the impact to the side setback- any further cutback wouldn’t allow for a double garage due to the fireplace chimney on the exterior of the existing house. The plans submitted at the public hearing depict the design to have been based on the existing structure layout and use, and has taken the zoning requirements and neighborhood appearance into account. Zuker stated that previous comments made by the Town Engineer have been resolved prior to the hearing, and that there were no other comments/ concerns from other Boards. Zuker addressed the list of six signatures that the Applicant had submitted with the application that show support of the project from the direct abutters. Murphy made a motion to close the hearing, seconded by Coffey, the motion carried 5-0-0 (Zuker, Hiltz, Fitzgerald, Murphy, Coffey). Murphy made a motion to allow an amendment to a previous Variance (May 27, 2005) from Section 6-B.1. of the Zoning Bylaw to allow for the construction of a two car garage attached to the

existing house with conditions, seconded by Coffey, the motion carried 5-0-0 (Zuker, Hiltz, Fitzgerald, Murphy, Coffey).

**Minutes:**

Murphy made a motion to accept the minutes of 4/4/18 Executive Session, seconded by Zuker, the motion carried 5-0-0 (Zuker, Hiltz, Fitzgerald, Murphy, Coffey)

Fitzgerald made a motion to accept the minutes of 4/18/18. Seconded by Lee, the motion carried 5-0-1 (Zuker, Hiltz, Fitzgerald, Murphy, Lee in favor; Coffey abstained)

Fitzgerald Made a motion to adjourn the hearing, seconded by Murphy, the motion carried 5-0-0 (Zuker, Hiltz, Fitzgerald, Murphy, Coffey). The meeting adjourned at 9:10 PM.

Accepted 5/16/18