

## WALPOLE ZONING BOARD OF APPEALS MINUTES OF AUGUST 19, 2020

A meeting of the ZONING BOARD OF APPEALS was held remotely (via Zoom Webinar) on WEDNESDAY, AUGUST 19, 2020 AT 7PM. The following members were present on the Zoom Webinar:

John Lee (Chair), Susanne Murphy (Vice-chair), Bob Fitzgerald (Clerk), Jane Coffey, Drew Delaney, David Anderson (Assoc. Member), Ashley Clark (Community Development Director), Amy Messier (Community Development)

Lee opened the meeting at 7:00PM

### **Case No. 20-22, Giuseppe Petruzzello, 4 Deborah Drive:**

\*Lee recused himself from this case\*

Murphy opened the hearing. Applicant Giuseppe Petruzzello was present, and explained to the Board that he is requesting a Variance for relief from the 25 ft. rear yard setback, in order to place a 24' x 32' garage within 14.08' ft. of his rear yard setback. Petruzzello stated that his relief is warranted due to an existing drain easement going through the back of his yard, causing the placement of the proposed garage to be limited, and within less than the required setback. Murphy asked about the possibility of re-positioning the garage or making it an attached-garage, the Applicant stated that a licensed engineer did the plans submitted, and the garage has to be placed on the property at the location that he's currently proposing. The Applicant stated that the foundation is already installed and he has a building permit from the Building Dept. for the foundation. Murphy read the comments from the Town Engineer, which indicated that if the Applicant placed the garage within close proximity to the easement, there is a possibility that if the Town may need to access the drain, it may cause disruption to the applicants' property, etc. Fitzgerald posed the idea of re-locating the garage slightly closer to the easement to eliminate the need for relief from a Variance. Murphy also read two letters from the abutters expressing that they're in favor of the proposed garage. Coffey asked how many cars the Applicant is planning to store in the garage, in which the Applicant specified that he'd ideally store two cars, motorcycle, and possibly a lawn mower. Anderson, Fitzgerald, Murphy, Coffey and Delaney stated to the applicant that since the easement already existed when the Applicant purchased the house, that it was already established well before the garage proposal, and the fact that the Applicant built the foundation at his own risk, that in itself is a self-created hardship. Murphy stated she would like to see the location of the waterline on the Applicants' property, and suggested continuing the hearing to allow the Applicant time to submit a plan depicting such. The Applicant stated that he would be opposed to continuing the hearing due to the reluctance of moving the foundation. Murphy stressed that it would be helpful for the Applicant to continue the hearing, and Fitzgerald stated that at this time he does not think he has enough information to conclude that the Applicant meets the standards of the variance, and mentioned that it would be helpful for the easement to be flagged, along with the waterline, should a site visit take place. Murphy reiterated that the waterline shown on a plan and the distance between the current foundation in proximity to the on the civil plan would be beneficial and helpful to the Board. Coffey motioned to continue the hearing to *September 16, 2020 at 7PM via Zoom Webinar*, seconded by Fitzgerald, roll call vote; Murphy-aye; Coffey-aye; Fitzgerald-aye; Delaney-aye, Anderson-aye; the motion carried 5-0-0.

### **Case No. 00-26, Phil Macchi, 979 Main Street:**

\*Murphy recused herself from this case\*

Lee opened the hearing, Applicant Phil Macchi present, along with Sean Murphy. Macchi explained to the Board that the entire locus of the property is within the CBD, with the previous use of this building was a Bank of America. The parking lot previously belonged to the Bank, and was then deeded it to the Town. 979 Main Street currently has eight (8) parking spots dedicated to the building, and the Applicant is requesting relief under Section 8.4.C. of the ZBL to allow one (1) parking space, where two (2) are required. The Applicant is proposing to build upwards, and to build out the second floor entirely, placing two other floors on top (adding 2 floors in height). It was clarified that there will be no change to lot area, frontage, impervious areas or setbacks. The height allowed

within the CBD is 52 ft., and the proposed building is expected to be approximately 47 ft. in height in totality. Macchi stated that the requirement for parking is tied to units, not bedrooms, and the applicant can by –right have 4 units, however, the Applicant would prefer to have more units with less bedrooms, than less units with more bedrooms. The redevelopment of this space will repurpose the existing bank space, with turning the first floor and basement into restaurant space, and the above floors are to be eight, one-bedroom apartments. Macchi stated that if the Board was in favor of granting this special permit, the Applicant would be willing to stipulate as a condition of approval to place verbiage in the lease that each unit is only allowed to have one car, which would amount to eight (8) cars for the eight (8) spots provided. It was also mentioned that the Applicant plans to enact a “no pets” policy, and is willing to include that as a stipulation as well. Macchi explained that if the four (4) units were to be placed instead of the Applicants’ desired eight (8), the number of bedrooms would be between twelve (12) and fifteen (15). Applicant believes that limiting this project to one-bedroom units will be in line with the characteristics of the neighborhood within the CBD and remain within the intent of the CBD within the Bylaw. Lee stated that he is concerned with the need for parking beyond right (8) spaces and that the burden of finding parking could potentially fall on the surrounding businesses within close proximity to the area. Fitzgerald and Coffey voiced that going forward, the trend is to move towards less parking, and doesn’t see a problem with a 1:1 parking ratio within the CBD that is located within close proximity to the train, etc., and also with other parking lots and on-street parking close-by. Delaney asked if the applicant intends on improving the parking lot, in which Macchi stated that the parking lot is owned by the Town, so no parking lot improvements are proposed, with the only improvements to the building proposed. Lee opened the hearing for public input, which there wasn’t any. When asked what the layout of the units will be, Macchi stated that the proposed units are one-bedroom, with open kitchen and living room concept, and one bathroom. Fitzgerald voiced his concern regarding the fact that the lot itself in non-conforming, and that the applicant is not seeking relief under a Special Permit for the expansion of the building, and suggested that staff speak with the Building Inspector/ Zoning Enforcement Officer for clarification if relief is needed or not. Coffey motioned to close the hearing, seconded by Delaney, roll call vote: Lee-aye; Anderson-aye; Coffey-aye; Fitzgerald-aye; Delaney-aye, the motion carried 5-0-0. Coffey motioned to grant the Special Permit, subject to the following conditions; 1. There shall be a condition within the lease that each unit, regardless of the number of occupants will be limited to one car; 2. There shall be no pets allowed. The motion was seconded by Delaney, roll call vote; Anderson-aye; Coffey-aye; Fitzgerald-aye; Delaney-aye, Lee-opposed, the motion carried 4-0-1.

#### **20-27, Allen Lemos, 180 Stone Street:**

Lee opened the hearing. Applicant Allen Lemos was present, and explained to the Board that he is seeking a Special Permit under Section 5.B.2. of the ZBL to construct a proposed two-story, two-car garage that includes an Accessory In-Law Suite within the GR Zoning District. Lemos stated that the proposed accessory in-law suit would consist of a 753 sf. space, complete with a bedroom, bathroom, living and kitchen area, with its own entrance. Lemos explained that the second floor space above the garage is not part of the in-law space, and belongs to the existing single-family dwelling. The applicant complies with all setbacks of the district, and the proposed design blends in with the existing house, in order to keep the home looking like a single-family residence. Lee asked the applicant about the door that’s shown on the plans that separate the in-law from the single-family dwelling, in which Lemos stated that it is an interior door that serves to give the applicants mother in-law privacy from, and limits access of the young children. Murphy asked about the property Lee stated that there is an order of conditions that was recently issued on this property. Anderson asked about the height of the proposed building, in which Lemos stated that the highest point of the structure would be approximately 28 ft. Lee stated that the hallway shown on the plans is a common area and is comfortable with the flow of the existing house and the proposed in-law, as they are not entirely separated from one another. Lee opened the hearing up for public comment, which there was none. Murphy motioned to close the hearing, seconded by Coffey, roll call vote; Lee-aye; Murphy-aye; Coffey-aye; Fitzgerald-aye; Delaney-aye, the motion carried 5-0-0. Murphy motioned to grant the special permit, with the condition that the decision specify that the door from the hallway into the in-law suite is an interior door,

seconded by Coffey, roll call vote; Lee-aye; Murphy-aye; Coffey-aye; Fitzgerald-aye; Delaney-aye, the motion carried 5-0-0.

**20-28, Daniel & Mary Olohan, 32 Frontier Drive:**

Lee opened the hearing. Applicants Daniel & Mary Olohan were present, and explained to the Board that they are seeking a Special Permit under Section 5.B.2. of the ZBL for an Accessory In-Law Suite. The applicants explained to the board that the proposed accessory in-law suite will be connected to the main dwelling through a sunroom that connects to the family room. The design of the proposed in-law will be constructed using the same materials as the existing single-family dwelling, and will maintain the appearance of a single-family home. Lee read board comments, which included a comment from the Town Engineer, which stated the following; "Our only recommendation is that the proposed basement have foundation drains that daylight to the rear of the addition. If the existing house also has foundation drains, their integrity should be maintained and re-routed as required". Lee opened the hearing up to the public, which included the following; Sarah Khatib of Frontier Dr. expressed her support of the project. Murphy motioned to close the hearing, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Coffey-aye; Fitzgerald-aye; Delaney-aye, the motion carried 5-0-0. Murphy motioned to grant the special permit with standard conditions, with the Town Engineers condition included, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Coffey-aye; Fitzgerald-aye; Delaney-aye, the motion carried 5-0-0.

**20-23, Lucas Leger, 10 Homeward Lane:**

Lee opened the hearing. Applicant Lucas Leger was present, and explained to the board that the application is for a special permit for an accessory in-law suite that will be 1,074 sf., with 110 sf. as a new entryway/ mudroom from the garage. The applicant is proposing to tear down the 24 x 24 garage structure, and reuse the foundation. The accessory in-law suite will consist of a bedroom, office, a bathroom with laundry hook-up, and an open living room, with a kitchen. The Applicant noted that the door that goes into the entryway to the house will be a regular interior door. Lee asked about the parking configuration, in which the applicant stated that the proposed 3-car garage will suit the cars at the residence (4 total). Murphy asked about what the size of the existing dwelling is and the size of the addition will be, in which the applicant stated that the existing house is currently 2,723 sf, and the one-story addition will be 1,074 sf. along with 110 sf for the entryway/mudroom (these figures do not incorporate the proposed 3-car garage). Lee read board comments, which included comments from the Town Engineer regarding the curb-cut, in which engineering recommends using the existing curb-cut vs. adding an additional curb-cut to accommodate the semi-circular drive. The applicant stated that he has provided a plan for erosion controls to be in place during construction per the comments from the Conservation Commission. Lee opened the hearing up for public comment, which there was none. Murphy motioned to close the hearing, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Coffey-aye; Fitzgerald-aye; Delaney-aye, the motion carried 5-0-0. Murphy motioned to grant the special permit with standard conditions and conditions that include the Town Engineer's comment re: curb cut and Conservation's comment re: erosion controls, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Coffey-aye; Fitzgerald-aye; Delaney-aye, the motion carried 5-0-0.

**Minutes:**

8/17/20: Murphy motioned to accept the minutes of 8/17/20, with the edits mentioned, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye. The motion carried 5-0-0.

Murphy motioned to adjourn, seconded by Coffey, Roll Call Vote: Lee-aye, Fitzgerald-aye, Coffey-aye; Murphy-aye, Delaney-aye; Anderson-aye. The motion carried 6-0-0.

**The meeting adjourned at 9:45 PM  
Accepted 10/26/2020**

