

WALPOLE ZONING BOARD OF APPEALS MINUTES OF SEPTEMBER 16, 2020

A meeting of the ZONING BOARD OF APPEALS was held remotely (via Zoom Webinar) on WEDNESDAY, SEPTEMBER 16, 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

Lee opened the meeting at 7:00PM

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

Lee recused himself from this hearing

Murphy opened the hearing. Mr. Petruzzello was present, along with his Attorney, Bill O'Connell. O'Connell stated to the board that the key element for seeking relief by a variance is due to the fact that there is a twenty (20) ft. drain easement going through the applicants' property, rendering it a unique circumstance in comparison to the rest of the abutting properties and the surrounding neighborhood. O'Connell referenced the letter addressed to the board from the Town Engineer, citing that the engineer conveyed that he did not have an issue with the placement of the garage per the plans submitted. O'Connell mentioned that the applicant intends to place a large canopy within the footprint of the garage foundation if the variance was not granted, resulting in an eyesore to the applicant's property and the surrounding neighborhood. Murphy reiterated that at the previous hearing, the board requested a plan to be submitted that reflects the placement of the waterline on the property. Fitzgerald stated that there could be a better location/placement of the proposed garage compared to what has been submitted. Deputy Building Commissioner Jim Crowley was present on Zoom, and stated to the board that the applicant applied for a permit to build a shed, which they denied due to the excess height and size of the structure and the lack of compliance with the setbacks for this zoning district. Fitzgerald, Murphy, Anderson and Crowley agreed that the footprint of the garage could be moved over to the left of the property, and remain in compliance with Zoning. The applicant and attorney argued that it cannot be placed elsewhere on the property due to the foundation already being built, and the cost associated with revised plans and the relocation of the foundation. The board asked the applicant if he was willing to decrease the footprint of the proposed garage, in which he declined. Members of the board stated that the hardships claimed by the applicant do not meet the criteria of a variance. The board reiterated that they would ideally like the footprint of the proposed garage relocated on the property to see if the applicant could bring his proposal into compliance with the ZBL. Murphy opened the hearing up to the public for comment, which there was none. He board reiterated what they would like to see on the plan and the applicant and his attorney requested to withdraw the application without prejudice. Delaney motioned to accept the applicants request to withdraw without prejudice, seconded by Coffey, roll call vote: Murphy-aye; Coffey-aye; Fitzgerald-aye; Delaney-aye; Anderson-aye. The motion carried 5-0-0.

Clark and Lee outlined topics to discuss at the next ZBA meeting, on 9/21/20 at 7PM via Zoom webinar and possibly in-person (board members only) at Town Hall, which included the following;

1. narrow targeted hearings for 40B projects going forward- with outlined topics for clarity
2. Chair to set the expectations at the beginning of the 40B hearings going forward
3. subject for Monday's meeting: re: Summer Street 40B: peer review comments on original plans submitted

Minutes: No minutes were accepted at this time.

Murphy motioned to adjourn, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye; Anderson-aye. The motion carried 6-0-0.

The meeting adjourned at 8:45 PM

Accepted 10/26/2020

