

The October 10, 2012 meeting of the Walpole Zoning Board of Appeals was held in the Main Meeting Room of Town Hall.

Chairman Susanne Murphy called the meeting to order at 7:00 P.M. with the following members present:

Susanne Murphy, Chairman
James M. Stanton, Vice Chairman
Daniel J. Cunningham, Jr., Clerk
Ted C. Case, Member
James S. DeCelle, Member (Not present)

Matthew Zuker, Associate member

7:00 p.m. – Kevin Coffey – Case #24-12

Ms. Murphy read the public hearing notice for **KEVIN COFFEY, Case #24-12**, with respect to property located at 19 Maude Terrace, Walpole and shown on the Assessors Map as Lot No. 53-186, Residence B Zone.

The application is for:

A Special permit under Section 9.4.a of the Zoning Bylaws to allow construction of a two-car garage and mudroom with a rear set back of 18.2 feet where 30 feet is required.

Mr. Coffee explained that he wants to build a garage with a mudroom even with the back of the house, and per the Building Inspector's instruction, will install a recharge system for the runoff from the addition. He would keep the same curb cut and flare the driveway out at the garage. The rear of the yard is flat and has to wetlands. He has a permit from the Building Dept. to build a farmers porch on the back. It is an existing non-conforming lot.

Ms. Murphy asked if there were any comments from the audience, there being none:

A motion was made by Ms. Murphy and seconded by Mr. Cunningham on behalf of the applicant to close the public hearing.

The vote was **5-0-0 in favor**; therefore the application for **Special Permit is hereby granted**, subject to the following conditions: (Murphy, Stanton, Cunningham, Case, Zuker)

A motion was made by Ms. Murphy and seconded by Mr. Cunningham on behalf of the applicant to grant Special Permit under Section 9.4.a of the Zoning Bylaws to allow construction of a two-car garage and mudroom with a rear set back of 18.2 feet where 30 feet is required.

The vote was **5-0-0 in favor**; therefore the application for **Special Permit is hereby granted**, subject to the following conditions: (Murphy, Stanton, Cunningham, Case, Zuker)

CONDITIONS:

1. As stipulated by the applicant at the public hearing, the structure shall be used as a two-car garage and mudroom with no living space on the second floor, as shown on the plan submitted at the public hearing dated August 20, 2012.
2. As stipulated by the applicant at the public hearing, there shall be no cone of light from the newly constructed premises shining into neighboring property.
3. As stipulated by the applicant at the public hearing, the recharge of the rainwater needs to be addressed with the Building Inspector.
4. This Special Permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under G.L.c.40A, Section 17, if substantial use has not sooner commenced except for good cause.

REASONS:

It is the finding of the Board that the applicant has met the requirements under Section 2B of the Zoning Bylaws in that:

- i. ***Shall not have vehicular and pedestrian traffic of a type and quantity so as to adversely affect the immediate neighborhood.***
The construction shall not cause vehicular and pedestrian traffic of a type and quantity so as to adversely affect the immediate neighborhood.
- ii. ***Shall not have a number of residents, employees, customers, or visitors, so as to adversely affect the immediate neighborhood.***
The construction shall not have a number of residents, employees, customers, or visitors, so as to adversely affect the immediate neighborhood.
- iii. ***Shall not have a greater lot coverage than allowed in the zoning district in which the premises is located (refer to Section 4-B).***
The construction shall not have a greater lot coverage than allowed in the zoning district in which the premises is located.
- iv. ***Shall not be dangerous to the immediate neighborhood of the premises through fire, explosion, emission of wastes, or other causes.***
The construction shall not be dangerous to the immediate neighborhood of the premises through fire, explosion, emission of wastes, or other causes.
- v. ***Shall not create such noise, vibration, dust, heat, smoke, fumes, odor, glare or other nuisance or serious hazard so as to adversely affect the immediate neighborhood.***
The construction shall not create such noise, vibration, dust, heat, smoke, fumes, odor, glare or other nuisance or serious hazard so as to adversely affect the immediate neighborhood.
- vi. ***Shall not adversely effect the character of the immediate neighborhood.***
The construction shall not adversely effect the character of the immediate neighborhood.

- vii. *Shall not be incompatible with the purpose of the zoning bylaw or the purpose of the zoning district in which the premises is located.*

The construction shall not be incompatible with the purpose of the zoning bylaw or the purpose of the zoning district in which the premises is located.

The grant of relief under this decision is limited to the relief expressly granted hereunder; and any other relief sought is hereby denied.

DISCUSSION

Merrikin Engineering re: Case #21-12

Ms. Murphy read a letter from Daniel Merrikin regarding Case #21-12, Evelina Gourdoukis, requesting that the case re-opened for additional information.

Mr. Stanton recused himself from this hearing.

Attorney Brady spoke regarding the request to open the hearing and asked the Board if it felt it had enough information.

Ms. Murphy felt confident in the closing of the hearing at the last meeting.

Because Mr. DeCelle was not present, the Board decided to hold this request until its next meeting on October 24, 2012, in hopes of a 5-member Board.

There being no further business, the seminar was closed at 8:30 p.m.

Daniel J. Cunningham, Jr.
Clerk

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Minutes were approved on October 24, 2012.