

The February 8, 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 (not present)
Ted C. Case, Member
James S. DeCelle, Member

Matthew Zuker, Associate member

7:00 p.m. – Jeffrey Melzack & Nancy Sheehan-Melzack – Case #01-12

Ms. Murphy read the public hearing notice for Jeffrey Melzack & Nancy Sheehan-Melzack, Case #01-12, with respect to property located at 10 Chicatabut Dr., Walpole and shown on the Assessors Map as Lot No. 36-24, Residence B Zone.

The application is for:

A Special Permit under Section 6.B.1 of the Zoning Bylaws to allow two (2) six foot (6') extension of existing deck with a 6.71foot setback where 15 feet is required.

Nancy Melzack under the advice of her physician is installing a hot tub for she and her husband, which is why the deck needs to be enlarged. The three season porch will also allow them to have more area to walk in and would allow easier access to the tub. She submitted a letter from her neighbors in support of the project. Ms. Melzack informed the Board that there is an existing bulkhead which does not allow the deck to be extended in that direction.

The Board requested the applicant to have the height of the existing house and the height and dimensions of the proposed structure and all the grades to be shown on the plan.

Ms. Murphy asked if there were any comments from the public; there being none:

A motion was made by Ms. Murphy, seconded by Mr. Zuker, to continue the hearing to March 7, 2012 at 8:00 p.m.

The vote was **5-0-0 in favor.** (Murphy, Stanton, Case, DeCelle, Zuker voting)

7:30 p.m. – John Marini – Plimptonville Crossing – Case #02-12

Ms. Murphy recused herself from this hearing.

Mr. Stanton informed the applicant that there are only four members present and the petitioner is entitled to a five-member Board and that this hearing can be postponed until a five-member Board is present. Further, with a four-member Board, there can be no negative votes in order for a motion to carry; however, a five-member Board can have one negative vote and four positive votes.

Attorney Schneiders represented the applicant and said they need to go forward and chose to go forward with a four-member Board.

Mr. Stanton read the public hearing notice for **JOHN MARINI, PLIMPTONVILLE CROSSING, Case #02-12**, with respect to property located at 240-242 Plimpton St., Walpole and shown on the Assessors Map as Lot No. 18-193 and 194, General Residence, Flood Plain Zone.

The application is for:

A Special Permit under Section 5-B.3.d of the Zoning Bylaws to allow construction of a 16-unit multi-family project to be connected to public water and sewer.

A determination under Section 5-B.4.G that a modified buffer shown on the plan is adequate.

Attorney Schneiders asked to withdraw the request for a determination regarding the buffer shown because the applicant is meeting with the Planning Board on March 1 regarding the buffer zone. They want to build 16 units and if the economy remains the same, the owner would like to build them as condominiums, but may initially rent them out if he cannot sell them.

Rick Merrikin, Merrikin Engineering, explained there would be parking spaces in front of each of the units and a two-car garage with each unit. There are 54 spaces where 32 spaces are required. They have submitted a full traffic report for this project, modified for the 16 units. The residence at house number 254 is an existing two-family house.

Mr. Marini explained the architecture of the units, per the plans included with the application.

Mr. Zuker believed the buffer should be included in this application before the Board.

Mr. Merrikin explained there are no buildings in the buffer and according to 5.G.4.G, the Planning Board can provide for the provision of the buffer. Trees, a fence, etc., would be in the buffer and will go before the Planning Board, and requested to withdraw Section 5.B.4.G from the application because it was a typographical error by the applicant.

A motion was made by Mr. Stanton, seconded by Mr. Zuker, to allow the applicant to withdraw the request for a determination under Section 5.B.4.G.

The vote was **4-0-0 in favor**. (Stanton, Case, DeCelle, Zuker voting)

Mr. DeCelle asked if anything would be encroaching onto the buffer.

Mr. Merrikin said the patios may.

Mr. Stanton asked if there were any comments from the public.

Lisa Rubini, represented her mother, Elizabeth Rubini, 8 Alston Dr., informed the Board that she is concerned about zoning and drainage. They have hired an engineer, Ivas Environmental, and submitted a report from them and a letter in regard to the buffer and drainage between

Plimptonville Crossing, 240-242 Plimpton St., and 8 Allston Dr. She does not believe there is a 50 foot buffer. The buffer between her property and this property is vegetated with brush and they would be looking at the retaining wall and 2-3 story houses. They have groundwater break through now and have a sump pump in the basement. Ms. Rubini asked, If the applicant's proposed catch basin works well, would it draw water away from their house? Who would be responsible if there is more flooding.

Attorney Schneiders said he is going to own the property and will have a management company and they will take care of any issues.

Charlie Carr, 236 Plimpton St., submitted a letter signed by himself, Gary and Kathy Cieplik; Joseph and Judith White voicing their concerns: visual impact, drainage before, during and after construction, an updated stormwater pollution prevention plan, NPDES proposed construction plan of land, construction limit of work, and construction sequence drawings. Mr. Carr asked for some kind of assurance that the drainage problems would not become an issue. He asked that the agreement by the owner of the property to put in trees be extended because the project is larger.

Mr. Merrikin explained that regarding the drainage, Mr. Carr's residence is lower and according to the applicant's consultant, the retention basin should be built first. The brush in the buffer is natural. They would agree to planting trees, but would not want to clear cut it all first in order to do those plantings. They have met with the abutters on the other side of the property and the applicant has agreed to planting trees as they requested, and they would be happy to plant trees for Mrs. Rubini. Mr. Merrikin further explained that each of the units will have a roof infiltration system, which he believes will take care of the problem.

Gary Cieplik, 224 Plimpton St., explained that the view from his backyard and porch is of thin trees and tall grass in the land area between his home and the proposed wall and buildings.

Mr. Merrikin informed him that the applicant does not have a problem with installing plantings within the buffer zone. Mr. Cieplik had suggested arborvitaes. Mr. Schneiders has a landscaping company and said he would be happy to clean the strips of land and plant trees.

Al Franz, 249 Plimpton St., explained that the proposed driveway is directly across from their existing driveway and considers that a safety and aesthetic issue. He does appreciate the plantings of trees, but he is still concerned about head lights shining into his living room and bedroom. Mr. Franz is also concerned about the added traffic and the potential for an accident. He requested the driveway be offset.

Mr. Merrikin said he disagrees with the location of the driveway. According to studies, driveways are better off opposite each other; the Town Engineer agrees. He understands they disagree on this issue. The applicant would be more than happy to do something with his driveway.

Joe White, 220 Plimpton St., because traffic and speed are such an issue on this street, he has offered to the Police Dept. to watch for speeders from his driveway. There are 2-3 accidents a year. He asked if there was anything that could be done to slow down the traffic, i.e., speed bumps, or something.

Mr. Merrikin said they would be willing to install speed bumps, but they would need to be approved by the Board of Selectmen. He said he would as the Department of Public Works.

Mr. Meskal, 223 Plimpton St., informed the Board that there is solar glare at this time of year. The train station has created more traffic and he is concerned about this project creating more traffic.

Mr. Stanton read the comments from the Water Commission, dated February 1, requesting to make comments and that the decision be held to allow them to make comments at their February 13 meeting; Deputy Fire Chief Michael Laracy, dated December 28, 2011, each unit is required to install a fire suppression sprinkler system per Mass. Building Code; and comments from Town Engineer, Margaret Walker.

A motion was made by Mr. Stanton, seconded by Mr. Zuker, to continue the hearing to March 7, 2012 at 8:15 p.m. in order that the Board receive comments from the Water and Sewer Commission.

The vote was **4-0-0 in favor.** (Stanton, Case, DeCelle, Zuker voting)

There being no further business, the meeting was closed at 9:00 p.m.

Daniel J. Cunningham, Jr.
Clerk

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Minutes were approved on April 11, 2012.