

The September 14, 2011 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

Matthew Zuker, Associate member (absent)

**7:00 p.m. – Don and Lisa Piccolo – Case #19-11**

Ms. Murphy read the public hearing notice for Don and Lisa Piccolo, Case #19-11, with respect to property located at 45 Woodruff Rd., Walpole and shown on the Assessors Map as Lot No. 13-63, Residence B Zone.

The application is for:

A Variance from Section 6.B of the Zoning Bylaws to allow construction of a farmer's porch within 27 feet from the front property line, where 30 feet is required.

Ms. Piccolo submitted a letter signed by some of their abutting neighbors in favor of the project. She explained that the porch is going to be located where shrubs previously existed.

Mr. Piccolo explained that originally they were going to replace their stairs and because it was so expensive they decided to add a farmer's porch. The house next door has a sunroom on the front of their house.

Ms. Murphy read the letter from Mr. John and Paula Glossa, and the petition from Teresa and Emidio DiVirgilio, Anita and Raymond Allison, and Marisa and James Lundrigan.

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

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, on behalf of the applicant to grant a Variance from Section 6.B of the Zoning Bylaws to allow construction of a farmer's porch within 27 feet from the front property line, where 30 feet is required.

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

**CONDITIONS:**

1. As stipulated by the applicant at the public hearing, construction shall be pursuant to the plans submitted at the public hearing.

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. This Variance shall lapse within one year, 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 FOR DECISION:**

It is the finding of the Board that the applicant was able to meet the requirements of Section 2.3 of the Zoning Bylaws.

1. *Owing to circumstances relating to soil conditions, shape or topography of such parcel or to such structure, and especially affecting generally such land or structure but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this bylaw would involve substantial hardship, financial or otherwise, to the appellant or petitioner.*

The Board finds that the applicant has shown substantial hardship due to the shape of the lot and the location of the house on the lot.

2. *Desirable relief may be granted without substantial detriment to the public good.*  
The Board finds that because the adjacent house is similar in setback and a letter and petition from the abutters in favor of the project was submitted to the Board and there was no opposition from any abutters, the requested relief may be granted without substantial detriment to the public good.

3. *Relief may be granted without nullifying or derogating from the intent or purpose of this bylaw.*  
The Board finds that construction of a farmer's porch will not nullify or derogate from the intent or purpose of the zoning bylaw.

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

### **DISCUSSION:**

#### **ZBA Check List**

A detailed check list has been drawn up by the secretary for the Board's review. The Board made some revisions. The list will be revised and submitted to the Building Inspector's office. The sheet will be added to the application packet.

#### **REI Properties re: Plimptonville Crossing – Case #09-07 – request for extension**

Ms. Murphy read the letter from Lisa Whelan, Gelerman, Buschmann & Jeter, P.C., dated August 12, 2011, referring to the Massachusetts Legislature enacted Permit Extension Act of 2010, automatically granting a two-year extension to certain permits and licenses. The Board found that no vote was required.

There being no further business, the meeting was closed at 8:00 p.m.

Daniel J. Cunningham, Jr.  
Clerk

ev

Minutes were approved on October 26, 2011.