

The March 23, 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

Meg Kundert, Associate Member  
Matthew Zuker, Associate member

#### **6:45 p.m. – Executive Session**

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, to go into Executive Session for the purpose of discussing strategy relating to pending litigation because to discuss the matter in open session could have an adverse affect on the Board's position. The Board will then return to Open Session.

The vote was **5-0-0 in favor.** (Ms. Murphy – aye; Mr. Stanton – aye; Mr. Cunningham – aye; Mr. Case - aye; Mr. DeCelle – aye)

#### **7:00 p.m. – 5<sup>th</sup> Fairway Development Remand – Case #18-08 (cont'd from 2/9/11) (Murphy, Stanton, Cunningham, Case, DeCelle, Kundert, Zuker)**

Ms. Murphy read the letter from Attorney Paul Haverty, representing the applicant 5<sup>th</sup> Fairway Development, dated March 22, 2011, requesting a continuance of the hearing scheduled for March 23, 2011 to the Board's regularly scheduled hearing date at the end of April.

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, to continue the hearing to April 27, 2011 at 7:30 p.m. to include the extension of the deadline.

The vote was **4-0-1**, therefore the hearing has been continued to April 27, 2011 at 7:30 p.m. (Murphy, Stanton, Cunningham, DeCelle in favor; Mr. Case abstained)

#### **DISCUSSIONS:**

##### **Jack Mee Zoning Questions**

Mr. Mee had a few questions for Town Counsel: Item #3 – Case #22-10, Ernest LaBarge, recently it was reported to the Building Commissioner that Mr. LaBarge was attempting to register to vote using the same address as his residence that he had requested a Special Permit to use as a caretaker/watchman residence, which was withdrawn without prejudice because the Zoning Board of Appeals could not approve the Special Permit for a residential use. During discussions with Mr. LaBarge he told Mr. Mee that he is trying to continue the use of this property as living quarters as he has been for the past three years. Mr. Mee sent him a letter, dated March 16, 2011 informing Mr. LaBarge that he has to cease and desist using the property as a dwelling unit.

Attorney Quirk said she would prepare a Cease and Desist Notice for Mr. Mee to send to Mr. LaBarge.

Item #1 – Mr. Mee referred a recent issue of a vendor selling flowers from the corner of convenience store and referred to “Temporary Uses” in the Zoning Bylaws and asked for further clarification.

Attorney Quirk said she would research the Central Business District Zoning and get back to him on it.

Item #4 – submitted the public hearing packet for the Board’s review. The packet includes a “Helpful Hints in Applying for a Zoning Variance” page.

Attorney Quirk said she would review the verbiage and possibly make some amendments.

### **MINUTES**

The following minutes were submitted for review: March 9, 2011, February 23, 2011, February 9, 2011, January 19, 2011, and October 27, 2010.

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

Daniel J. Cunningham, Jr.  
Clerk

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Minutes were approved on May 11, 2011.