



**Town of Walpole
Commonwealth of Massachusetts
Zoning Board of Appeals**

Zoning Board of Appeals
John Lee, Chair
Drew Delaney, Vice Chair
Robert Fitzgerald, Clerk
David Anderson, Member
Judith Conroy, Member
Timothy Hoegler, Assoc. Member
Mark Major, Assoc. Member

**MINUTES
WALPOLE ZONING BOARD OF APPEALS
APRIL 3, 2024**

Present: John Lee (Chair), Drew Delaney (Vice Chair), David Anderson, Judith Conroy, Robert Fitzgerald, Tim Hoegler and Mark Major

Also Present: Patrick Deschenes, Community and Economic Development and George Pucci, Town Counsel

Mr. Lee called the meeting to order at 7:00 P.M.

Case No. 20-25, Walsh Brother Building Co., 300 Stone Street, Special Permit under Section 11 of the Zoning Bylaws to allow the construction of a single-family dwelling in an area designated as Flood Plain District. *Remanded from Land Court.*

Case No. 20-25 opened at 7:00 P.M.

Mr. Lee provided a brief background on the case and explained the applicant requested a continuance to May 1st.

Motion: by Ms. Conroy seconded by Mr. Fitzgerald to continue the public hearing until May 1, 2024.

Motion: carried 5-0-0 (Lee -aye; Delaney -aye; Fitzgerald – aye; Conroy- aye; Anderson -aye)

Case No. 22-10, Wall Street Development LLC, with respect to the property located at Darwin Lane (Map 42, Parcels 240 & 227-13) for a Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, Section 20 through 23 as amended, to allow the construction of twenty-eight (28) homeownership, non-age restricted, condominium townhouses in six (6) buildings on approximately 3.44 acres. (Continued from March 6, 2024)

Case No. 22-10 opened at 7:01 P.M.

Ms. Conroy recused herself.

Mr. Lee said the applicant requested a continuance to May 20, 2024.

Motion: by Mr. Delaney seconded by Mr. Major to continue the public hearing until May 2, 2024.

Motion: carried 5-0-0 (Lee -aye; Delaney -aye; Fitzgerald – aye; Hoegler- aye; Major -aye)

Case No. 22-22, Neponset Village, LLC, 5 Pleasant Street, for a Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B Section 20 through 23, as amended, to allow the construction of twenty-four (24) townhouse style condominiums within seven (7) buildings *Remanded from Housing Appeals Committee (Continued from February 26, 2024 Meeting)*

Damien Dimitruk, Project Engineer, appeared before the Board. He provided a brief status update from the January 22nd Board meeting. At that point, plans had been revised as there were concerns raised from the Fire Department over the use of a cul-de-sac as well as the parking ratio and 21E information. Since the meeting, Mr. Dimitruk worked on a conceptual design which was discussed with the Fire Department and Engineering Department. Additional comments were received from the Town Engineer, Carl Balduf which included the need to keep the proposed hammerhead at the end of Maguire Park as well as easement relief. Mr. Dimitruk intended to complete engineering on the plan, but was advised at a Staff meeting on March 5th to get confirmation from the Board that the plan was heading in the right direction. Regarding the parking ratio, Mr. Dimitruk explained that the proposed plan still exceeded the required parking ratio per the Town Zoning Bylaws. The original pull through onto Maguire Park was removed and the applicant was happy to accommodate Mr. Balduf's requests. Mr. Dimitruk asked the Board if they would be in agreement to move forward with the new cul-de-sac plan.

Mr. Fitzgerald said the initial impression was positive for the neighbors on Maguire Park and felt this was a step in the right direction. He asked about the changes to the stormwater on site. Mr. Dimitruk explained he did not finish the engineering and he was in the process of finalizing the calculations.

Mr. Lee appreciated the environmental report, but noted the plan still lacked recreation space, green space and the setbacks were still very close to the lot lines. He asked what could be done to resolve those issues. Mr. Dimitruk said this was the preferred layout but understood the concern. He acknowledged the project was dense, but this was the plan the applicant presented.

Bill O'Connell, attorney for John Gass of 7 Pleasant Street, understood this was a concept plan but stressed that density was still a concern. He asked if there would be any access for Maguire Park. Mr. Dimitruk said there would not be a drivable surface from the site to Maguire Park and that the Fire Department would have access the site through a cul-de-sac in the case of an emergency. Mr. O'Connell noted the units had been shifted and pushed back closer to his client's property. The new layout was very jammed. He pointed out that with the proximity to the neighboring CertainTeed factory, and that he felt the 21E report from 2014 was outdated. He requested an updated report to be provided. Mr. O'Connell added that the applicant had not worked with the neighbors through this process to gather their input and decrease density. He felt that there was still a lot of environmental concern as there was a potential for the contamination of arsenic and other hazardous materials because of the removal of the site's trees and its proximity to the CertainTeed factory. Attorney O'Connell did not believe this plan was a safer option.

Allen Williams, 15 Maguire Park, asked if the Fire Department approved the proposed plan. Mr. Deschenes said the Fire Department just submitted a letter today that deemed the plan accessible. Mr. Lee added that the plan was not stamped and only intended to gauge initial feedback. Mr. Williams believed the applicant's attorney previously said the Fire Department did not originally like the 40A project as density was a concern. He added that the definition of a cul-de-sac is the end of a dead end street. The last parking space on the proposed plan seemed to invite people to use Maguire Park as the abutting snow storage area appeared level and drivable. The 40A plan had areas of snow storage spread throughout the site which seemed more practical. At the February meeting, it was said there would be no access to Maguire Park. Mr. Williams asked why there was now a proposed hammerhead. Mr. Deschenes clarified that the hammerhead proposed at the end of Maguire Park was for safer turnaround and was helpful for snow removal for Maguire Park. Mr. Williams asked if there would be bollards to stop the potential of residents of the development using Maguire Park.

Mr. Lee asked Mr. Williams what he thought of the proposed plan. Mr. Williams said the cul-de-sac plan was the only viable option. Mr. Williams further stated that there should not be any access onto Maguire Park from the development as the neighborhood children play in the street often.

Greg Niland, 11 Maguire Park, said the cul-de-sac plan was a step in the right direction. He noted that some of the aspects of the plan were now more intense. He noted that the portion of the Norwood lot was recently clear cut and now there is light pollution from the plant's flood lights. He felt that applicant or Town should work with Norwood to address this issue.

Mr. Lee asked why the Norwood parcel was clear cut. Mr. Dimitruk was unaware that happened. Seth Williams, 15 Maguire Park, presented a video of the clear cut area.

Mr. O'Connell referenced the 2016 opinion on the Norwood parcel and suggested there should be an updated discussion.

Seth Williams agreed that the only option was the cul-de-sac with no access to Maguire Park. He stressed that density was still an issue and noted that delivery trucks have been driving over the end of Maguire Park to access Arbor Court.

Ms. Conroy felt the applicant only listened to half of the concerned expressed at the last meeting. The density was still too great and the waiver list was extensive in addition to the loss of gazebo and green space in the new plan. She was also disappointed that the attorney and property owner were not present to discuss the project with the Board and abutters.

Mr. Fitzgerald noted that bollards or fencing should be strongly considered. Mr. Dimitruk explained that bollards would not work for the plan as they would impede snow removal, but he would utilize a gate to stop any traffic over the grassy area onto Maguire Park.

John Gass, 7 Pleasant Street, reiterated that the applicant never contacted the abutters to discuss the project and felt that would have made a big difference. He believed the quality of life for the new residents and existing abutters will be poor.

Based on feedback, Mr. Dimitruk confirmed he would complete the engineering and return to the Board.

Motion: by Ms. Cornoy seconded by Mr. Anderson to continue the public hearing to May 20, 2024 as well as an extension of time until June 20, 2024.

Motion: carried 5-0-0 (Fitzgerald-aye; Delaney – aye; Conroy -aye; Hoegler- aye; Major -aye)

Case No. 23-21, KIG/Silverstrand Walpole, LLC, 981, 989 and 1015 East Street (Map 25, Parcels 164, 165, 166), Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, §§20-23 as amended, to allow the construction of a six story building with 142 apartment units and below grade garage. (Continued from February 26, 2024)

Case 23-21 opened at 7:58.

Geoff Engler, applicant, appeared before the Board.

Mr. Lee explained that the decision had been drafted and the Board would discuss any changes and vote at this meeting.

Mr. Fitzgerald questioned Section D.1.E. Regarding the Road Safety Audit and what it was. Mr. Engler noted that was a common traffic analysis. George Pucci, Town Counsel, agreed that there could be some clarifying language added with a reference date.

Mr. Lee found some numbering discrepancies. Mr. Deschenes confirmed he would correct that throughout the decision.

Ms. Conroy noted on page 9, Section A.9, there was no reference to a submission of final architectural plans 90 days before a building permit could be issued. She asked what the process would be for the Board to vote on the finalized roof layout. Attorney Pucci explained that it was appropriate for the applicant to submit concept plans and that after the Comprehensive Permit was granted, the applicant would finalize the plans. Mr. Engler wanted to proceed, however agreed to return to the Board with finalized architectural plans to get their feedback if they wanted him to. Mr. Engler did not want that to lead to a discussion over several meetings, but wanted to act in good faith that he was willing to hear the Board's concerns.

Ms. Conroy stated that Section A.12 says someone would be appointed to act on the Board's behalf. She asked who would be responsible. Mr. Deschenes said that was a standard condition and the authority for most of the review of final materials would go to the Building Commissioner. It would be up to the Board if they wanted to utilize that condition.

Ms. Conroy noted there was a significant outcry from residents over this building and they were worried how the exterior would look as well as the height. She wanted to ensure that their concerns were resolved. Mr. Engler was sensitive to her concern, however was surprised that there was such a public concern when no abutters or residents had shown up to any meetings to voice these concerns. Mr. Anderson said that just because there were not any members of the public present, he agreed with Ms. Conroy that there was significant concern from the public over this project.

On page 18, Mr. Delaney said the condition should read "truck wash pad" to ensure dust and debris be kept to a minimum. This would allow for site conditions to remain clean.

Mr. Lee read a statement of his opposition to the project and stated he would not vote in favor of the project due to the height of the building.

Mr. Deschenes went over the waiver list and asked if there should be a vote to confirm the waiver list was accurate. Mr. Lee said the Board previously voted on the waivers. Attorney Pucci stated the wording for the vote for the waivers could be referenced differently within the decision.

Motion: by Mr. Delaney seconded by Mr. Fitzgerald to close the public hearing.

Motion: carried 5-0-0 (Lee -aye; Fitzgerald-aye; Anderson – aye; Conroy -aye; Hoegler- aye)

Motion: by Mr. Delaney seconded by Mr. Fitzgerald to approve the Comprehensive Permit with conditions.

Motion: carried 3-2-0 (Lee -nay; Fitzgerald-aye; Delaney – aye; Conroy -nay; Hoegler- aye)

Motion: by Mr. Delaney seconded by Mr. Hoegler to allow for Mr. Fitzgerald to sign the decision on behalf of the Board, in accordance with the vote.

Motion: carried 5-0-0 (Lee -aye; Fitzgerald-aye; Anderson – aye; Conroy -aye; Hoegler- aye)

Minutes

Motion: by Mr. Fitzgerald seconded by Mr. Major to approve the minutes from March 18, 2024.

Motion: carried 6-0-0 (Lee -aye; Fitzgerald-aye; Anderson – aye; Conroy -aye; Hoegler- aye; Major -aye)

Board Business: 55 Summer Street Regulatory Agreement

Mr. Major and Mr. Anderson recused themselves.

Mr. Deschenes submitted a letter from Amy Kwesell, Town Counsel, which confirmed that the affordable units would be held in perpetuity. The Board agreed to sign the Regulatory Agreement.

Motion: by Mr. Fitzgerald seconded by Mr. Delaney to sign the Regulatory Agreement.

Motion: carried 5-0- (Lee -aye; Delaney-aye; Conroy -aye; Fitzgerald – aye; Hoegler- aye)

Adjournment

Motion: by Ms. Conroy seconded by Mr. Fitzgerald to adjourn.

Motion: carried 7-0-0 (Lee -aye; Delaney-aye; Anderson – aye; Fitzgerald –aye; Conroy -aye; Hoegler-aye; Major -aye)

The meeting adjourned at 8:41 P.M.