



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 JANUARY 22, 2024

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

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

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

Case No. 23-30, Edilson Siquiera, 1 Foxhill Drive, Special Permit under 5-B.1.4.dd Table of Uses of the Walpole Zoning Bylaws to allow for an auto body repair use at the site. (Continued from December 6, 2023 Meeting)

Case 23-30 opened at 7:00 PM.

John Glossa, project engineer, appeared before the Board. He presented a brief site plan and discussed the dimensional regulations that were applicable for the site. The site was within Area 3 and the impervious surface requirement would typically be 15%. However, the site had an existing impervious surface area of 37%. Mr. Glossa stated the amount of new impervious surface would be cancelled out as they proposed removing an equal amount from the site. Mr. Glossa further explained that he met with Town Departments and noted the Fire Department requested a 20-ft access area that would not accommodate parking. There would also be a noted vehicle storage area for 10-12 cars. As the site had a septic system, but a tight tank system would be required as well. Catch basins were highlighted on the plans. Mr. Glossa explained that anything that floated would be caught in the system and the system would be cleaned annually.

Ms. Conroy asked if this was now considered a completed application. Mr. Deschenes confirmed the application as complete.

Mr. Lee noted that any additional work the applicant decided to explore would likely require an additional special permit under the Water Resource Protection Overlay District. Mr. Hoegler asked if they could begin work if the special permit for use was approved. Mr. Deschenes confirmed that work could begin for what was currently being sought. The special permit for use was enough to get the business started as there was a substantial amount of work that needed to be done to the building and site.

Mr. Lee asked who owned the property. Chris Irvine, Site Manager, said that the applicant was in the process of finalizing a purchase and sale agreement to purchase the building.

Mr. Lee noted the impervious surface area far exceeded the maximum allowed within an Area 3 zone. He asked if there would be any granite curbing to ensure there would not be parking on pervious area. Mr. Glossa said there would be bituminous curbing.

Mr. Glossa said that if the parking area was not large enough, the applicant would come back to the Board for additional relief.

Mr. Fitzgerald asked if there would be plantings shown on the plans. Mr. Lee asked if there should be a condition or just to show the plantings on the plans. Mr. Fitzgerald said the plantings on the plans would be sufficient. Mr. Glossa agreed to a condition that plantings needed to be a minimum of 18 inches.

Mr. Delaney asked who would clean the tight tank system. Mr. Glossa said it would likely be Clean Harbors, or a company selected by DEP. Mr. Delaney asked how the applicant would be made aware the system needed to be cleaned. Mr. Glossa explained an alarm would be triggered when the system was 2/3 full. He added that the use would not generate a lot of waste.

Ms. Conroy asked why the site was allowed to have 37% impervious when the limit was 15%. Mr. Glossa explained that the site was existing. He noted that any impervious area that was being added would be removed in other areas. Ms. Conroy asked if there was any consideration to decrease the amount of impervious area. Mr. Glossa said they needed to account for 35 parking spaces and discussed the catch basin system.

Mr. Lee asked if the catch basin system was the same as the gas and oil separator. Mr. Glossa said they were not the same. Ms. Conroy asked if the tight tank system alarm would go off annually. Mr. Glossa said it would realistically go off once every 5 years because it would take a long time for waste to build up in the system. Ms. Conroy asked if there was a need for any additional catch basins. Mr. Glossa said there was no need.

Mr. Fitzgerald asked if there would be any hazardous materials. Mr. Glossa said that currently there would not be any storage of hazardous materials on site. He agreed to a possible condition for an annual clean out of the tight tank system.

Mr. Fitzgerald asked if the tight tank system would be above ground. Mr. Glossa said it needed to be underground.

Mr. Lee said this was a non-conforming lot due to frontage, however it had previously been conforming. Mr. Glossa explained that the Town changed the zoning and therefore made the lot non-conforming.

Ms. Conroy asked to confirm the area for cars and why there was only one garage door. Mr. Glossa said the use did not require an additional garage door. Ms. Conroy raised concerns over fire safety.

Mr. Delaney asked why there was not a monitoring well. Mr. Glossa said that was not common practice for a site this size.

Mr. Hoegler asked about snow removal. Mr. Glossa said it was not shown on plans but offered to revise the plans or agreed to a condition.

Ms. Conroy stated that there should be a condition to limit only 12 cars parked within the vehicle storage area, as shown on the plans. Mr. Glossa said that was reasonable.

Mr. Lee stated that there should not be parking anywhere other than the designated storage area on the plans. Mr. Glossa said parking would not block the vehicle storage area. In the event that more parking was needed, the applicant understood it would require another meeting with the Board. He added the existing tenants within the building were pleased with the proposal.

The Board confirmed conditions with Town Staff.

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

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

Ms. Conroy requested an updated plan. Mr. Fitzgerald asked if that was possible as the public hearing had been closed. George Pucci, Town Counsel, confirmed that it could be done at the next meeting.

Mr. Deschenes reminded the Board that the applicant was seeking a Special Permit for the use and that the Building Commissioner would be responsible for the enforcement of the decisions conditions. He explained that what the Board was seeking crossed into site plan review which was not their responsibility or related to the special permit being sought. The Board still wished to review revised plan reflective of their conditions.

Ms. Conroy and Mr. Fitzgerald withdrew their motion and second respectfully to close the public hearing.

Motion: by Ms. Conroy seconded by Mr. Fitzgerald to continue the public hearing to February 7, 2024.

Motion carried 5-0-0 (Lee – aye; Delaney -aye; Conroy -aye; Fitzgerald -aye; Anderson - 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 December 6, 2023 Meeting)

Case 22-22 opened at 7:56 PM.

Phil Macchi, attorney, appeared before the Board along with Megan Dutra from Coneco Engineering. Mr. Macchi explained that since the last meeting there had been changes made to the plans along with comments from departments and peer review. It appeared that many of the concerns with the project had been addressed.

A pending concern was the use of Maguire Park. Mr. Macchi stressed that it was not needed for construction purposes, rather as emergency access only.

Mr. Lee asked if there should be a gate at Maguire Park. Sean Reardon, Peer Reviewer, explained that the last plan set showed a gate which he thought was appropriate.

Mr. Lee asked Mr. Reardon what he thought about the green space and recreation on the proposed plans. Mr. Reardon noted the site was very dense and the proposed design did not allow for much recreation or open space.

Mr. Lee noted there was no garage spaces for any of the units. He asked Mr. Reardon if that was common in other developments. Mr. Reardon said it was not uncommon, however it would cause its own set of challenges. Based on the proposed parking ratio, Mr. Reardon did not foresee vacant parking spaces.

Mr. Lee expressed concern over the tightness of the lot. He was also concerned about emergency vehicle access. Mr. Reardon stated that he was more concerned with cars parked near the emergency access area. As there were not many visitor spots on the plans, overflow visitor parking in the emergency access area was a concern.

Ms. Conroy noted the emergency gate would likely be locked. She asked Mr. Reardon if he preferred it to be unlocked. Mr. Reardon said he gave deference to the Fire Department's comments on the matter.

Mr. Lee stated that a small part of the property was in Norwood. He asked Mr. Pucci if it was something that could be sold off. Mr. Pucci said that a Comprehensive Permit would be linked to the specific parcels. Mr. Macchi added that in the previous 40A project, the Norwood parcel was needed for frontage, however it was no longer needed in the 40B project. Mr. Pucci advised the Board to condition the Norwood parcel that it may not be severed or conveyed and should remain undeveloped open space.

Ms. Conroy commented on the lack of parking. Ms. Dutra said the Board needed to consider the type of units that were proposed. Ms. Conroy said there was almost no visitor parking. Ms. Dutra said that the number of parking spaces proposed were typical and most units would not have two cars.

Mr. Fitzgerald noted he wanted to see updated Fire comments regarding the emergency gate. Ms. Dutra said there was a truck turning plan provided with measurements from the tire tracks, front and rear bumpers. Mr. Lee asked if there was any point the trucks would go over the curb. Ms. Dutra said no.

Mr. Delaney asked if there would be any handicap accessible units. Mr. Macchi said no.

Mr. Delaney pointed out the communal dumpster. Ms. Dutra confirmed the dumpster would be communal and there was a sidewalk and curbing leading up to the area. Mr. Macchi confirmed there would be three handicap parking spaces.

Bill O'Connell, attorney for John Gass, submitted a letter to the Board. He had concerns over air quality and requested that Mr. Reardon review the potential environmental impacts. He also requested a 21E report. Regarding the split zoning, Mr. O'Connell submitted a 2016 memo from Town Counsel and asked if the Board needed comments from the Town of Norwood. He pointed out that his client's home would only be 16-ft away from unit 24. As there were proposed sidewalks near the detention basin, his client was concerned there would be benches in close proximity to his back yard. Mr. O'Connell noted the construction would happen in a phased approach and he asked how that would take to complete. Lastly, he stated that he believed a cul-de-sac layout should be utilized.

Mr. Reardon said he did do some research in terms of environmental impacts and did not find anything notable on the DEP website or Spill Database. He would not speak to air quality. He was unsure where else to research as there were no existing issues.

Mr. Lee asked if there was a 21E report. Mr. Macchi was unsure if once was done, however if he obtained the report he would submit it as part of the record at which point Mr. O'Connell could receive a copy.

Scott McCallum, 37 Pleasant Street, was concerned there was not enough parking provided and there would be spill over in the surrounding area.

Greg Niland, 11 Maguire Park, expressed frustration that the number of units had not been reduced since the last meeting. He explained that Maguire Park was more of a shared driveway than a road. The CertainTeed plant that was in Norwood operated 24/7 and by clear cutting the site, the plant would be

visible as well as the odor produced by the plant. He was also concerned with light and noise pollution. In the past, he tried to plant arbor vitae several times for privacy and the plants died. He asked who would take care of the plantings for the project and if an HOA would be established to maintain the property.

Thomas Kefalis, 8 Maguire Park, stated that parties and other get together at the site would generate more cars. He feared this would spill onto Maguire Park. He explained when the residents on Maguire Park have a party, they needed to coordinate with each other to park in each other's driveways to ensure the street was not blocked.

Seth Williams, 15 Maguire Park, stated that the emergency gate should be installed. He stated that he preferred the idea of a cul-de-sac to eliminate any potential use of Maguire Park as a cut through or additional access. He appreciated comments made by Mr. Reardon.

Mr. Reardon stated that a cul-de-sac would fit on the site, however it would likely result in a reduction of at least four units. It would be a much better layout for the site and provide additional open area.

Mr. Lee stated that a cul-de-sac with less units and parking would be a safer option for the site. Mr. Macchi explained he was not at liberty to agree to a reduction of units on behalf of his client. He agreed to discuss the option with his client. There was a previous plan which utilized a cul-de-sac and the Fire Department did not want that layout.

Ms. Dutra stated that her team did try to revise the plan with a cul-de-sac, however due to the number of units, the plan did not work well and left a lot of non-usable area.

Ms. Conroy felt the plan was disastrous. She believed there should be less units with no use of Maguire Park. As there had been previous versions of the plans with less units, she asked if the applicant could consider a plan with a different design with less units.

Motion: by Ms. Conroy seconded by Mr. Anderson to continue the public hearing to February 26, 2024.

Motion carried 5-0-0 (Delaney – aye; Conroy -aye; Fitzgerald -aye; Anderson – 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 January 3, 2024)

Case No. 23-21 opened at 7:09 PM.

Mr. Lee confirmed that a memo was received by Weston and Sampson for their review. Mr. Reardon said he was in agreement with their findings.

Mr. Engler resubmitted plans and did not believe there were any more outstanding issues. He said that he would get comments to the Board soon for any pending items.

Mr. Lee asked about the proposed traffic flow around the site. Mr. Deschenes said he spoke with Mr. Reardon about the proposed egress from the underground parking garage and solution proposed would be safer for those egress the parking garage. Mr. Reardon explained the need for one way traffic closest to the exit of the garage. This would also create additional room for deliveries.

Mr. Engler received a copy of the draft decision and would like to provide comments to the Board before the next meeting. Mr. Deschenes noted there were minor waivers on hold. Mr. Lee said that while the waivers could likely be voted on currently, he would like to have the plans finalized before the Board to make those decisions. Mr. Engler shared he was in agreement to many of the conditions within the draft decision.

Mr. Lee asked if there was any plan to go to Town Meeting. Mr. Engler said no and explained the next step was to go before the Conservation Commission which he planned to do after the Comprehensive Permit was approved.

Mr. Reardon said he agreed with the Select Board in terms of offsite mitigation and noted the proposed bike storage area was small.

Ms. Conroy opposed the proposed height. She asked Mr. Engler if it were possible to redesign the top floor to make it appear to be less daunting. If creative design elements could be used to lessen the impact, she felt the project would be more palatable. Mr. Engler said that new plans would not be submitted now, however final plans were not required until 90 days before the start of construction. He was not opposed to looking into how to better design the top story as lots could be done with the trim and other design elements.

Motion: by Ms. Conroy seconded by Mr. Delaney to continue the public hearing to February 26, 2024.

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

Motion: by Ms. Conroy seconded by Mr. Anderson to accept an extension of time until April 1, 2024.

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

Minutes:

Mr. Lee asked Mr. Pucci if the portion of minutes for Mr. Petrozzi's project needed to be verbatim. Mr. Pucci explained it was the pleasure of the Board and the minutes were not overly useful in future litigation.

Motion: by Mr. Fitzgerald seconded by Mr. Delaney to approve the minutes from January 3, 2024.

Motion carried 5-0-2 (Lee -aye; Delaney-aye; Fitzgerald -aye; Anderson- abstained; Conroy -aye; Major-aye; Hoegler - abstained)

Adjournment

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

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

Meeting adjourned at 9:23 P.M.