



**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
FEBRUARY 7, 2024**

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

Absent: Tim Hoegler and Mark Major

Also Present: Lauren Michalski, Community and Economic Development

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

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 January 3, 2024)

Case 22-10 opened at 7:00 P.M.

Ms. Conroy recused herself.

Mr. Fitzgerald asked if any new materials had been submitted. Ms. Michalski said no materials were submitted, however they were anticipated soon.

Motion: by Mr. Delaney seconded by Mr. Fitzgerald to continue the public hearing to March 6, 2024 as well as grant an extension of time to May 22, 2024.

Motion: carried 4-0-0 (Lee – aye; Delaney -aye; Fitzgerald -aye; Anderson - aye)

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 7:01 PM.

Mr. Lee stated that the Board needed to review the final plan.

Mr. Glossa, project engineer, went over the revised plan and explained all 9 conditions that the Board made at the last hearing had been incorporated into the plan and an Operation &

Maintenance plan had been submitted. The proposed conditions were noted on the plan. He suggested that a LeBaron Snout system was used and went over details regarding catch basins. An alarm would sound when the tank was 3/5 full and would be cleaned annually.

Mr. Delaney appreciated Mr. Glossa's plans, however he was concerned with the applicant's understanding of the regulations and feared they would not appropriately use the site. Mr. Glossa said there could be an annual inspection given to the Board or the Building Department. He explained the protocol as well as what could be done by an engineer to ensure regulations are met.

Ms. Conroy said she was comfortable with the plan, however had concerns with this use within the WRPOD without a Special Permit under Section 12 for the storage of hazardous materials. She felt that the applicant was rushing the process by not applying for a Special Permit under 12 at the same time at the Special Permit for use. As there was no guarantee that the applicant would come back to the Board, and no understanding of what materials would be used, she felt the Board should consider further conditioning the Special Permit for use to make it clear that this was separate from Section 12 regulations.

Mr. Lee understood the concern, however explained that the Board needed to focus on the application before them which was only for the use. Ms. Conroy felt the process was disingenuous and that the applicant was cutting corners or circumventing the need for additional relief. She asked the Board to consider a condition that the Special Permit for use would only be valid once the Special Permit for the storage of hazardous materials under section 12 was approved. Mr. Lee said that was not possible and the Board needed to vote on what was before them.

Mr. Fitzgerald said there could be language that made it clear this relief did not apply to any potential relief in section 12. Mr. Lee agreed that it should not be a condition, rather mentioned in the findings. Mr. Lee also agreed with Ms. Conroy's concern that the use would generate hazardous materials greater than household quantities.

Ms. Conroy also wanted to highlight in the decision that the property was within the WRPOD.

Mr. Fitzgerald asked Mr. Glossa to confirm the landscape area. Mr. Glossa showed the areas for plantings. Mr. Fitzgerald noted that spills could happen and how that could be mitigated. Mr. Glossa explained there would be a spill kit installed. Mr. Lee wanted a condition that a spill kit to handle a spill of 100 gallons would be on site. Mr. Glossa noted that a spill of that size could not be accommodated, however having a spill kit installed for a reasonably sized spill was agreeable.

Mr. Lee added a condition for a yearly inspection by a registered professional engineer.

Mr. Delaney did not believe that an auto body use would contain hazardous material less than that of a household limit. Mr. Lee believed the applicant would come back for a Section 12 Special Permit eventually. He reminded the Board that the applicant want not asking for hazardous material storage and they needed to address what the applicant was requesting. Mr. Delaney understood, however he was concerned since the applicant had a difficult start to the special permit process.

Mr. Glossa said that the applicant was agreeable to an annual inspection as it did not create a financial hardship.

Mr. Lee confirmed the conditions to be added to the decision.

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

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

Motion: by Mr. Delaney seconded by Ms. Conroy to approve the Special Permit, with conditions.

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

Minutes

Mr. Fitzgerald found grammatical errors. The Board agreed with his edits.

Motion: by Ms. Conroy seconded by Mr. Delaney to approve the minutes from January 22, 2024.

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

Adjournment

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

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

Meeting adjourned at 7:49 P.M.