



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

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

**MINUTES
WALPOLE ZONING BOARD OF APPEALS
October 13, 2021**

Present: John Lee (Chair), Robert Fitzgerald (Clerk), Mary Jane Coffey, Drew Delaney, Judith Conroy (Associate Member), Mark Major (Associate Member), and Timothy Hoegler (Associate Member).

Absent: David Anderson

Also in attendance were Patrick Deschenes (Community & Economic Development) and George X. Pucci (Attorney, KP Law)

Mr. Lee called the meeting to order at 7:00 P.M. and read the public hearing notice.

Case No. 21-16, Wall Street Development Corp., Darwin Lane, Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, Section 20 through 23 as amended, to allow the construction of twenty-eight (28) townhouse style condominiums within six (6) buildings.

Attorney Pucci stated to the Board that the Town has received a Certification of Approval from Department of Housing and Community Development (DHCD) due to compliance with their Housing Production Plan and that they have the ability to invoke "safe harbor," referring to the ability to deny a comprehensive permit application as consistent with local needs.

Attorney Pucci stated that if the Board were to invoke Safe Harbor tonight the applicant would have the ability to appeal the Town's Safe harbor status to DHCD and DHCD would need to issue a ruling on that appeal within thirty (30) days.

Attorney Pucci stated that continuing the hearing to a date that allows for the issuing of the written notice and potential appeal period would provide enough time for these regulatory timeframes to occur and then reconvene to make the final decision.

Mr. Lee asked the Board if they felt they wanted to do anything other than invoking safe harbor at that time.

Ms. Coffey stated that she did feel it was necessary to go further with discussion of the project and should invoke safe harbor at this time/

Motion by Ms. Coffey and seconded by Mr. Fitzgerald to invoke and declare the denial of Darwin Commons 40B application as consistent with local needs as defined in 760 CMR 56.03 (1) (b) and 56.03 (4) due to receipt of a certification of approval dated September 10th 2021, issued by the Massachusetts

Department of Housing and Community Development, certifying the Town of Walpole's compliance with its housing production plan, approved for a two-year period running from April 27th 2021 to April 26th 2023.

Attorney Pucci stated that Mr. Lee should identify the voting members of the case.

Mr. Lee stated that Mr. Major would serve on the case as the fifth voting member.

The motion carried 5-0-0 (Lee-aye; Delaney-aye; Coffey-aye; Fitzgerald-aye; Major-aye)

Motion by Ms. Coffey and seconded by Mr. Fitzgerald to provide written notice of the board's declaration to the applicant and to continue the discussion in 60 days (December 15th 2021).

The motion carried 5-0-0 (Lee-aye; Delaney-aye; Coffey-aye; Fitzgerald-aye; Major-aye)

Minutes Review 9/15/21

Motion by Ms. Coffey and seconded by Mr. Delaney to accept the 9/15/21 meeting minutes. The motion carried 5-0-0 (Lee-aye; Delaney-aye; Coffey-aye; Fitzgerald-aye; Major-aye)

Other Business: Board Reorganization

Mr. Lee opened the floor to nominations for positions on the Board.

Mr. Fitzgerald nominated Mr. Lee for Chair. Seconded by Ms. Coffey.

Ms. Coffey nominated Mr. Delaney to Vice Chair.

Mr. Lee nominated Mr. Fitzgerald for Clerk.

Motion by Ms. Coffey and seconded by Ms. Conroy to elect Mr. Lee as Chair, Mr. Delaney as Vice Chair, and Mr. Fitzgerald as Clerk.

The motion carried 5-0-0 (Lee-aye; Delaney-aye; Coffey-aye; Fitzgerald-aye; Conroy-aye)

Mr. Lee announced that the next meeting is scheduled for Wednesday November 3rd and Wednesday November 17th.

Ms. Coffey discussed the open Board Secretary position and its status. Mr. Deschenes stated that he would like to expand the position to include more hours and increased responsibilities. Ms. Coffey stated that she would like to have the Chair involved in the interview and hiring process. Mr. Deschenes agreed and stated he would send information on applicants to the chair and keep him involved in the interview and hiring process.

Adjournment

Motion by Ms. Conroy and seconded by Ms. Coffey to adjourn.

The motion carried 5-0-0(Lee-aye; Delaney-aye; Coffey-aye; Fitzgerald-aye; Conroy-aye)

Meeting was adjourned at 7:35 P.M.

Respectfully Submitted: Kevin Sanderson