



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

*Zoning Board of Appeals*  
*John Lee, Chairman*  
*Robert Fitzgerald, Clerk*  
*Mary Jane Coffey, Member*  
*Drew Delany, Member*  
*David Anderson, Member*

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**MINUTES**  
**WALPOLE ZONING BOARD OF APPEALS**  
**JULY 28, 2021**

Present: John Lee (Chair), Susanne Murphy (Vice Chair), Bob Fitzgerald (Clerk), Jane Coffey, Drew Delaney, Dave Anderson (Associate Member), Patrick Deschenes (Community & Economic Development Director)

**Case No. 20-24, Radke Associates, LLC, 270 Moose Hill Road, Comprehensive Permit**

Mr. Lee stated that with the public hearing closed the Board would only be discussing the draft decision before final vote.

Mr. Deschenes addressed specific conditions that he wished to discuss with the Board for feedback.

Mr. Lee addressed the parking spaces allotted to “Unit 1” that were shown on the project’s site plan.

Ms. Murphy stated that she wanted to have the septic tank pumped yearly. Mr. Deschenes stated he did include that as a condition.

Mr. Fitzgerald asked the Board about the applicant’s waivers. Mr. Lee stated that all waivers were granted at the last meeting except the waiver to building permit and utility hook-up fees.

Motion made by Ms. Murphy and seconded by Ms. Coffey to approve the Comprehensive Permit application of Radke Associates, LLC/Donald Wright, for the proposed Development at Assessor’s Map 36, Parcel 64 & 65, 270 Moosehill Road, consisting of eight (8) duplex-style dwelling units, as shown on the Project’s site plan dated March 10, 2020, with revisions through July 7, 2021 pursuant to Chapter 40B, §§ 20-23. The motion carried 5-0-0.

Motion by Ms. Murphy and seconded by Ms. Coffey to have Robert Fitzgerald, Clerk sign the decision on behalf of the Board, the motioned carried 5-0-0.

**Case No. 20-25, Walsh Brother Building Company, 300 Stone Street, Special Permit request under Section 11 of the Zoning Bylaws**

Mr. Lee addressed the history of the case from the first submission by the applicant.

Mr. Lee stated that after the Board issued their first decision the applicant appealed and through that appeal the case was remanded back to the Board from land court. The decision to have a third party peer review conduct a review of the project was needed to provide additional technical review for the Board to make their decision.

Mr. Fitzgerald stated the purpose of the remand hearing was to conduct additional technical review and the peer reviewer recommended that the applicant conduct additional studies to ensure safety of the property and surrounding area. Mr. Fitzgerald continued to state that the applicant declined to conduct these additional studies.

Mr. Lee addressed the previous decision on the case and the vote that the Board had taken at that time.

Motion by Mr. Fitzgerald and seconded by Mr. Murphy to adopt the draft decision on remand from Land Court and to deny the Special Permit application for Case No. 20-25 of Walsh Brothers Building Company for 300 Stone Street, for the reasons specified during deliberation and within the draft decision.

Mr. Fitzgerald stated that he would like to remove his motion from the table in favor of the motion proposed within the draft decision, seconded by Ms. Murphy

Motion made by Mr. Fitzgerald and seconded by Mrs. Murphy, that the Board grant Walsh Brothers Building Co. a Special Permit under Section 11 of the Zoning Bylaws to allow the construction of a single-family dwelling in an area designated as within the Flood Plain Protection Overlay District, as shown on the plan entitled: "Site Development Plan, Lot 2, 300 Stone Street, Walpole, MA 02081" dated December 17, 2019, revised 4/21/2020, prepared by GLM Engineering Consultants, Inc. The motion did not carry with a vote of 0-5-0 (Lee-nay, Murphy-nay, Fitzgerald-nay, Coffey-nay, and Delaney-nay)

Motion by Ms. Murphy and seconded by Ms. Coffey to adopt the decision as drafted for Case No. 20-25.

Mr. Fitzgerald addressed a few grammatical errors to correct.

The motion carried 5-0-0

### **Adjournment**

Motion to adjourn by Ms. Murphy, seconded by Ms. Coffey, the motion carried 5-0-0

Meeting was adjourned at 7:33 P.M.

Respectfully Submitted: Patrick Deschenes