



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

**Zoning Board of Appeals**  
*John Lee, Chair*  
*Drew Delaney, Vice Chair*  
*Robert Fitzgerald, Clerk*  
*Mary Jane Coffey, Member*  
*David Anderson, Member*  
*Judith Conroy, Assoc. Member*  
*Timothy Hoegler, Assoc. Member*

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**MINUTES  
WALPOLE ZONING BOARD OF APPEALS  
August 17, 2022**

Present: John Lee (Chair), Drew Delaney (Vice Chair), Robert Fitzgerald (Clerk), Judith Conroy (Associate Member)

Absent: Mary Jane Coffey, Tim Hoegler, and Dave Anderson

Also in attendance were Patrick Deschenes (Community & Economic Development), Stephen Natola (Community & Economic Development),

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

**Case No. 22-11, Wall Street Development Corp., 9 & 15 Pinnacle Drive (Map 19, Parcels 182 & 183), Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, Sections 20 through 23, as amended, to allow for the construction of twenty-eight (28) homeownership, non-age restricted, condominium Townhouses. (Continued from 7/20/2022)**

Hearing began at 7:01 pm

**Motion:** by Mr. Fitzgerald, and seconded by Mr. Delaney to continue Case #22-11, Pinnacle Drive, until November 2, 2022

Motion carried, 4-0-0, (Delaney - Aye; Fitzgerald - Aye; Lee - Aye; Conroy - Aye)

**Case No. 22-10, Wall Street Development Corp, 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 7/20/2022)**

Hearing began at 7:02 pm

**Motion:** by Mr. Fitzgerald, and seconded by Mr. Delaney to continue Case #22-10, until November 2, 2022

Motion carried, 4-0-0, (Conroy - Aye; Delaney - Aye; Fitzgerald - Aye; Lee - Aye)

**Case No. 22-22, Neponset Village LLC, 5 Pleasant Street (Map 20, Parcel 63), 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**

Hearing began at 7:03 pm

Mr. Lee read the public hearing notice

Mr. Lee explained to other board members that they can invoke safe harbor.

Mr. Fitzgerald agreed with Mr. Lee's assertion that the board should invoke safe harbor for this case also and recommended to invoke safe harbor.

**Motion:** by Mr. Delaney, and seconded by Ms. Conroy to invoke and declare the denial of the Neponset Village 40B application is consistent with local needs as defined in 760 CMR 56.03.1.b & 56.03.4 due to receipt of a certification of approval dated September 10, 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 27 2021 - April 26 2023.

**Motion** carried, 4-0-0, (Conroy - Aye; Delaney - Aye; Fitzgerald - Aye; Lee - Aye)

**Motion:** by Mr. Fitzgerald, seconded by Ms. Conroy to continue the hearing until October 5

**Motion** carried, 4-0-0, (Conroy - Aye; Delaney - Aye; Fitzgerald - Aye; Lee - Aye)

**Case No. 22-4, Thomas J. Powers, 132, 136, 140 Washington Street, Special Permit under Section 5-B.1.3.g of the Walpole Zoning Bylaws to allow for a three (3) story, six (6) unit, mixed-use residential development within the Business (B) Zoning District (Continued from 6/1/22)**

Hearing started at 7:13 pm

**Motion:** motion by Ms. Conroy, seconded by Mr. Fitzgerald to continue the hearing until September 7 and an extension of time until October 7, 2022.

**Motion** carried, 4-0-0, (Conroy - Aye; Delaney - Aye; Fitzgerald - Aye; Lee - Aye)

**Case No. 22-7, 1429 Main Street LLC, 1429 Main Street, Special Permit under Zoning Bylaws Sections 2.2.A-B/ 5- B.1.3.g to allow for the modification to the 2014 Planning Board Special Permit Decision, Case No. 14-10 in which the special permit granting authority has changed. (Continued from 7/20/2022)**

Hearing started at 7:14 pm

**Motion:** motion by Ms. Conroy, seconded by Mr. Fitzgerald to continue the hearing until September 21 and an extension of time for 90 days beyond the statutory time.

**Motion** carried, 4-0-0, (Conroy - Aye; Delaney - Aye; Fitzgerald - Aye; Lee - Aye)

**Case No. 22-21, Michael Cannon, 3 Eldor Drive, Special Permit pursuant to Section 5-B.2 of the Walpole Zoning Bylaws to allow for an accessory in-law suite.**

Hearing started at 7:15 pm

Mr. Lee read the public hearing notice, a letter from the town engineer, conservation commission, health department, and fire department.

Mr. Canon responded that he has filed with the conservation commission because his proposed work is within 100 feet of the wetlands.

Mr. Lee explained that the zoning board is a 4 person board tonight and any application would need a unanimous vote in order to be approved.

Mr. Cannon described his proposed renovation. Plans to extend the rear of the house and place the accessory dwelling unit on the first floor of the house and connect to the main dwelling unit via a doorway.

Mr. Delaney asked who will be living in the in-law suite.

Mr. Cannon responded that he and his wife will be moving into the in-law suite.

Mr. Fitzgerald asked about circulation between the in-law and main dwelling unit.

Mr. Cannon explained that there is a door in the office connecting the in-law suite and the main dwelling unit. Needs to access the main dwelling unit in order to access the laundry room in the main dwelling unit.

Mr. Delaney asked if the driveway can accommodate additional vehicles.

Mr. Cannon responded that the driveway can accommodate additional vehicles.

Ms. Conroy asked what the square footage of the in-law suite is.

Mr. Deschenes responded that the in-law suite is 576 square feet and the main dwelling unit is 2,429 square feet.

Mr. Lee advised to continue the case until a date after the conservation commission meeting.

Mr. Cannon responded that the conservation commission meeting is on September 14.

Mr. Fitzgerald raised the town engineer's concern about the sewer line.

Ms. Cannon responded that he won't be disturbing the sewer line into the house.

Mr. Lee opened the hearing for public comment.

**Motion:** motion by Mr. Fitzgerald, seconded by Ms. Conroy to continue the hearing until September 21.

**Motion** carried, 4-0-0, (Conroy - Aye; Delaney - Aye; Fitzgerald - Aye; Lee - Aye)

**Case No. 22-20, Lisa Marie Bastianelli, 41 Forsythia Drive, Special Permit pursuant to Section 5-B.2 of the Walpole Zoning Bylaws to allow an accessory in-law suite.**

Hearing began at 7:34 pm.

Mr. Lee read the public hearing notice. Mr. Lee also read comments from the conservation commission, town engineer, and health department.

Mr. Bastianelli, noted that he is a certified builder in the state of Massachusetts, wants to build an in-law suite on the second floor of the existing single family home and will be expanding the main dwelling unit in the process. Noted that there will be a 5 foot walkway thru the garage for access purposes and an elevator to access the in-law suite. Noted that the egress will be thru the back deck and thru the main dwelling unit.

Mr. Lee asked if they know the square footage of the in-law suite.

Mr. Bastianelli responded that the in-law suite will be about 892 square feet.

Mr. Lee noted that the proposed in-law is not greater than 1,000 square feet or 33% of the main dwelling unit. Questioned why the plot plan has two different dates.

Mr. Bastianelli explained that he is currently waiting for a new plot plan.

**Motion:** by My. Delaney, seconded by Ms. Conroy to continue the hearing until September 7

**Motion** carried 4-0-0 (Lee- aye; Delaney- aye; Conroy-aye; Fitzgerald-aye)

**Case No. 22-19, BCA Inc, 41-43 Stone Street, Special Permit pursuant to Section 9.4.1 of the Walpole Zoning Bylaws to allow for an addition to a non-conforming building in the rear of the existing property.**

Hearing started at 8:04 pm

Mr. Lee read the public hearing and comments from the fire department, health department, and town engineer.

Brian Charles, BCA Inc, stated that the non-conforming building in the rear of the property is currently 616 square feet and will be renovated and expanded to 1,043 square feet,

John Lee noted that the addition to the non-conforming building complies with the zoning bylaw and won't be increasing the non-conforming nature of the structure.

Mr. Fitzgerald clarified that the addition is going towards the middle of the lot.

Mr. Charles noted that the unit will be handicap accessible and is for the applicant's family member.

Mr. Lee asked if there is a basement in the proposed dwelling and the building height.

Mr. Charles responded that there will be basement, the foundation will be 8 inches and the building height will be 17 feet.

**Motion:** by Ms. Conroy, seconded by Ms. Fitzgerald, to close the hearing for Case #22-19.

**Motion** carried 4-0-0 (Lee- aye; Delaney- aye; Conroy-aye; Fitzgerald-aye)

**Motion:** by Mr. Fitzgerald, seconded by Mr. Delaney, to approve case #22-19, for 41-43 Stone Street, based on the plans dated June 23, 2022 and the architectural plans dated 6/28/22 by BCA Inc., with standard conditions and the condition that applicants shall cut/ cap existing sewer/ water lines prior to demolition.

**Motion** carried 4-0-0 (Lee- aye; Delaney- aye; Conroy-aye; Fitzgerald-aye)

**Case No. 22-18, Matthew Naughton, 11 Occident Circle, Special Permit pursuant to 9.4.A of the Walpole Zoning Bylaws to allow an accessory in-law suite.**

Hearing started at 8:18 pm

Mr. Lee read the public hearing notice as well as comments from the town engineer, health department, and fire department. The town engineer noted that the proposed addition will be close to town owned property.

Mr. Lee noted that the non-conforming nature of this property lies within the rear setback and the proposed addition will encroach further into the rear setback. Currently, the house is 7.5' from the rear property line and the proposed addition would be less than 2' from the rear property line. Additionally, photos seemed as though the applicant was using town owned land for recreational purposes.

Mr. Fitzgerald wondered if the applicant could propose the addition into the front yard.

Mr. Naughton wanted to work with the architect to redesign the addition.

Mr. Lee noted that future uses may occur on the high school property and may be too close to locus.

Ms. Conroy agreed with not extending the non-conformity in the rear of the lot and supported changing the layout of the addition.

Mr. Lee advised the applicants to continue the hearing and have the proposed addition be no greater than the existing 7.5' from the rear setback.

**Motion:** by Ms. Conroy, seconded by Mr. Fitzgerald to continue the hearing until September 21

**Minutes Review**

Item began at 8:40 pm

Mr. Fitzgerald noted slight errors throughout the minutes.

**Motion:** Ms. Conroy and Mr. Fitzgerald to accept the minutes of the June 15 meeting.

**Motion** carried 4-0-0 (Lee-aye; Fitzgerald-abstain; Delaney-aye; Conroy- aye)

**Adjournment:**

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

**Motion** carried 4-0-0 (Lee-aye; Fitzgerald-aye; Delaney-aye; Conroy- aye)

Meeting adjourned at 8:42 pm