

WALPOLE ZONING BOARD OF APPEALS MINUTES OF DECEMBER 4, 2019

A meeting of the Walpole Zoning Board of Appeals was held on Wednesday, December 4, 2019 at 7:00 PM in the Main Meeting Room at Walpole Town Hall. The following members were present: John Lee, Chairman; Susanne Murphy, Vice Chairman; Bob Fitzgerald, Clerk; Jane Coffey, Member; Drew Delaney, Associate Member.

Also present: Ashley Clark – Community Development Director; George Pucci of KP Law (Town Counsel); Paul Haverty of BBH Law (40B Consultant)

7:00 PM Lee opened the meeting:

Case No. 19-19, John Shalbey, 2180 Boston Providence Hwy., Special Permit/ Variance Requests:

Lee opened the hearing and read a letter from the Applicant requesting a continuance without testimony until 1/15/20, Murphy made a motion to accept the continuance to 1/15/20 at the applicants request, seconded by Coffey, the motion carried 5-0-0 (Lee, Murphy, Fitzgerald, Coffey, Delaney)

Case No. 16-19, Christopher Ogilvie, 4 Cranberry Lane, Special Permit Request:

Lee opened the hearing and read a letter from the Applicant requesting a continuance without testimony until 1/15/20, Murphy made a motion to accept the continuance to 1/15/20 at the applicants request, seconded by Coffey, the motion carried 5-0-0 (Lee, Murphy, Fitzgerald, Coffey, Delaney)

Case No. 20-19, Cidar Creek Homes, LLC., 960 West Street, Special Permit Request:

Lee opened the hearing and read updated letters from Engineering and the Fire Dept. regarding the revised plans. The applicant explained to the Board that the following modifications were made and shown on the revised plans; addition of correct terminology of bedrooms; addition of cut-out to the main house at the back of the home. The Board's concern with the flow of the in-law to the rest of the house remains outstanding, and the Applicant agreed to redesign for better flow. Murphy made a motion to grant a continuance at the applicants request to 1/15/20, seconded by Coffey, the motion carried 5-0-0 (Lee, Murphy, Fitzgerald, Coffey, Delaney)

Case No. 22-19, Optima Hospitality Group, LLC., 990 Boston Providence Highway, Special Permit and Variance Requests:

Lee opened the hearing, present was Phil Macchi of Macchi & Macchi, Applicant David Wluka of Optima Hospitality and David Johnson of Norwood Engineering. Letters from the Building Inspector and Fire Department were submitted to the Board, dated 12/4/19. Macchi clarified that the actual height of the proposed building is 65 ft. With the Board still having concerns about the height of the building, and the traffic, Macchi suggested a continuance, with the traffic engineer present at the next hearing to clarify outstanding concerns. Murphy made a motion to continue the hearing at the applicants request to 1/15/20, seconded by Coffey, the motion carried 5-0-0 (Lee, Murphy, Fitzgerald, Coffey, Delaney)

Case No. 05-19, Wall Street Development Corp- Burns Avenue Development LLC., 48 Burns Ave. (Map 20/ Parcels 119, 136 & 137), Comprehensive Permit:

Lee opened the hearing, Applicant Lou Petrozzi was present, along with his consultant, Dean Harrison. Multiple departments were present in order to allow the Board to gain clarification regarding ongoing

questions and concerns that still needed to be addressed, preferably before the close of the public hearing. The following departments gave testimony on various concerns;

Deputy Fire Chief Barry:

1. Stated that the current proposed plans do not comply under 527 CMR1, nor are they stamped or signed by a professional.
2. Stated that the opening of Burns Ave. must be widened or the curb to be pushed back in order for safety apparatus to properly get into development.
3. Suggested that the waiver regarding the road being longer than 750 ft. in length not be granted, due to the safety concern that a longer road would facilitate a longer response time and possibly less access for a fire/medical emergencies.
4. Concerns regarding lack of snow removal shown on plan, due to safety issues it poses (snow banks may reduce roadway width, which must be maintained at a minimum of 20 ft.in order to maintain a timely response for fire/medical emergencies)
5. Concerns regarding parking on Burns Ave. (parked vehicles along Burns Ave. will narrow the road to under a width of 20 ft. which would also facilitate a longer response time and possibly less access for a fire/medical emergencies.
6. Concerns over the absence of sprinkler system plans given (life safety device locations, etc.)
7. Concerns over the proposed lighting plan (currently depicts the placement of lights conflicting with the Fire Dept. turn radius regarding the ladder)

Lee asked Barry what would be a remedy to a dead end road, in which Barry stated that the road could either stop at the 750 ft. or, the applicant should provide alternative access that's acceptable to the Fire Dept.

Town Engineer, Carl Balduf:

1. Concerns over snow storage, and recommends that the Applicant should work with the Town to provide a mutual agreement for an easement due to safety concern.
2. Concerns regarding the current plan that does not show improvements/ street center lines/ sidewalk plan
3. Concern regarding water runoff from the Public way of Burns Ave. onto the Private Way of Burns Ave. since the Private portion would not be accessible to the Town, there could be potential drainage issues if there is improper drainage.

Conservation Agent, Landis Hershey:

1. Recommends not granted the waiver for the 25 ft. no alteration zone.
2. Stated that the applicant and the abutter both appealed the OOC issued 11/4/19, DEP has a scheduled site visit on 12/12/19.
3. States that Conservation is to review anything in the 25 ft. no alteration zone to monitor if it is in compliance.

Lee opened the hearing to the public which included the following:

-Jack Conroy (abutter): concerns regarding length of proposed roadway, snow removal, street center lines, drainage and associated waivers, second egress, road width, sidewalk improvements.

-Cathy Campbell of Burns Ave.: Easement, second egress, site control condition

- Liz Barrows of Union St: waiver request for backyard setbacks, project oversight, police, trash/recycling
- Robert O’Leary of Washington St: common driveways
- John O’Leary: additional parking spaces

Clark asked the applicant if he is willing to submit a final pro-forma, in which the applicant declined. Clark also stated that the Police Dept. would be in favor of tying in the sidewalk to Pleasant Street, and that adequate lighting be provided that is up to Town code.

Applicant Lou Petrozzi spoke at the podium and gave the following statements regarding the concerns and discussion mentioned above;

1. Stated that the plans dated 9/25/19 depict a restoration area of the 25 ft. no alteration zone.
2. drainage: stated that he has incorporated catch basins at the end of the ROW that will capture and filter water, which is in compliance and was reviewed by BETA.
3. Street center-line: willing to stake roadway of ROW in order to determine centerline.
4. Stated that he has instructed his engineer to meet with the Fire Dept. in order to create an access that complies with regulations and is acceptable.
5. Willing to move the two proposed street lights from straightaways (entrance of cul-de-sac and end of cul-de-sac)
6. Willing to work with the Town regarding a mutual agreement regarding an easement for snow removal
7. Open to contributing the cost of an overlay of roadway if the Town is planning on improving the Public Way of Burns Ave.
8. Stated that he eliminated the secondary access due to Conservation, and is open to looking into it, however, stated that it would further add to the issues that have been appealed in the OOC.
9. Stated that his need for the 5 ft. setback from the rear property-line was due to it being a “nice amenity”.
10. Stated that he has not pursued an additional 4 parking spaces, and is willing to “try” and comply with whatever condition the ZBA specifies in the Comprehensive Permit.
11. Uncertain how much additional water will be flowing onto his property if the Town decides to improve the road, sidewalk, etc. since it would alter run-off calculations. Town Engineer stated that the Town is willing to take Burns Ave possible improvements off of the table if the applicant plans on holding the Town responsible for water run-off.

When asked by the Board what would change if the project was to change from the proposed approx. 960 ft. long street to 750ft. that is currently the allowed maximum, the applicant stated that the driveways would become longer with the street becoming shorter. Dean Harrison, the applicants consultant stated that it would be premature at this point to render if a shorter road would be uneconomical or not.

Pucci of Town Counsel suggested that the public hearing remain open in order to have more beneficial discussions relating to the items discussed above. Lee asked the applicant if he would like to grant the Board an extension of time to close the public hearing in order to address outstanding issues discussed tonight, in which the applicant requested to close the public hearing at this time. Coffey made a motion to

close the public hearing at the applicants request, seconded by Murphy, the motion carried 5-0-0 (Lee, Murphy, Fitzgerald, Coffey, Delaney).

Coffey made a motion to have a closed public deliberative session on 12/16/19 at 6 PM in the Main Meeting Room, seconded by Murphy, the motion carried 5-0-0 (Lee, Murphy, Fitzgerald, Coffey, Delaney).

Minutes: Coffey made a motion to accept the minutes of 9/4/18; 9/18/19; 10/16/2019; 11/6/2019; 11/20/2019 with minor edits discussed, seconded by Murphy, the motion carried 5-0-0 (Lee, Murphy, Fitzgerald, Coffey, Delaney)

Other Business:

Inclusionary Housing Bylaw: Community Development Director Ashley Clark explained to the Board that she is working on tightening up the language of the Inclusionary Housing Bylaw and would like the Board's feedback once she sends them a draft that she is currently in the process of working on.

Murphy made a motion to adjourn, seconded by Coffey, the motion carried 5-0-0 (Lee, Murphy, Coffey, Fitzgerald, Delaney)

The meeting adjourned at 11:00 PM

Accepted 2/5/2020