

## WALPOLE ZONING BOARD OF APPEALS MINUTES OF SEPTEMBER 21, 2020

A meeting of the ZONING BOARD OF APPEALS was held remotely via Zoom Webinar and in the Main Meeting Room of Town Hall (board members only) on MONDAY, SEPTEMBER 21, 2020 AT 7PM. The following members were present on the Zoom Webinar:

John Lee (Chair), Susanne Murphy (Vice-chair), Bob Fitzgerald (Clerk), Jane Coffey, Drew Delaney, Dave Anderson, Ashley Clark (Community Development Director), Amy Messier (Community Development)

Also Present: Judi Barrett (40B Consultant); Amy Kwessell (KP Law); George Pucci (KP Law); Cliff Boehmer (Davis Sq. Architects); Sean Reardon (Tetra Tech)

Lee opened the meeting at 7:00 PM

### **Case No. 03-20, 55 SS LLC., 51-53-55 Summer Street, Comprehensive Permit:**

Lee opened the hearing, Cliff Boehmer from Davis Square Architects was present, and gave his review of the project based on the original plans submitted with the application. The review included the following comments and observations;

The plan is organized in a way that specifically pushes the 4 -story buildings to the rear of the site to minimize their impact to the public realm. Boehmer stated that the real issue is with the bigger buildings, since there's no real organizational element incorporated in the plan, which indicates there was a lack of consideration regarding the experience of the people that will be living within the proposed development. Boehmer went on to state that the design of the project does a poor job of creating an environment that people would thrive in. The site needs to be more pedestrian friendly, with more attention focused on the quality of the streets and the walking paths. A suggestion to the applicant would be to pull back and re-think the site plan, while utilizing more traditional strategies for creating "neighborhoods". Boehmer suggested that the buildings be reoriented and improve the views of the open space and wetlands. The current plan generates headlight intrusion in the building due to all of the parking being placed at a 90 degree angle, and for buildings of this magnitude, it's recommended that additional articulation of the footprint and detail of the building be considered. The proposed curb cuts are excessive and not pedestrian friendly, Boehmer recommends brainstorming ways of consolidating the open/green space. The site has great potential with an interesting landscape, its recommended that the applicant look more closely to the development, relating to and looking like a more natural setting. A full 3-D site model would be ideal for this proposed development in order to gain a better perspective regarding if the development works well within the space and design. The developments' current layout is not working in the multifamily buildings due to the proposed level of density, and would like to see a more convincing argument from a design perspective before he believes that the proposed density is appropriate.

Sean Reardon of Tetra Tech gave his review of the project based on the original plans submitted with the application. The review included the following comments and observations;

Reardon stated that the issue is not only the density due to the amount of units, it's the layout of the units regarding their placement and design, and stated he would like to see a more measured use of the site. Concerns were expressed due to the entire site being adjacent to the commuter rail, which requires a heightened concern from a safety aspect, along with having only one means of access proposed (located on the side of the railroad and down the street from a large intersection) for the entire site, which is composed of 300 units. The site plan is tight for adequate fire safety apparatus, with very little area designated for snow storage, with the absence of a logical way to remove snow. The units are within very close proximity to a very active street, and the correct controls and safety measures should be proposed and in place.

Construction phasing needs to be addressed, and a phasing plan should be submitted for review. Reardon further commented on the following topics:

Stormwater: plans show detention basins proposed within 10 ft. of the units.

Water & sewer: it's important that the applicant provide a memorandum that lays out the framework to ensure that they have the capacity for all 300 units proposed, and it's also an important for the Board to have in the record.

Construction: staging plan should be submitted as to where the construction trailers will be placed, etc.

Environmental: applicant has provided accurate buffers to most of the wetlands and the surrounding buildings.

Traffic: current proposal causes degradation and level of service, with acute problems at the intersection, suggests the applicant consider more responsibility regarding a safe connection to the school and development.

Contamination history: Little to be concerned about, from a groundwater standpoint, with a low likelihood that anything would be detected in the groundwater.

**John Lee:** Stated the overriding theme the peer reviewers are running into is the issue relating to density.

Reardons professional opinion stated that there is too much on the site, with no breathing room, and everything is too close in proximity.

**Dave Hale:** Stated that a revised plan has been submitted to show how they've responded to the comments that they were able/ and wanted to respond to. Hale stated that the Board should be discussing the revised plans, and not the original plan that was submitted.

**Ashley Clark:** Clarified and reiterated that the goal of tonight was to hear from the peer reviewers for the first time, and discuss what they identified as concerns, based on the original plans submitted. She recommended that the Board should give the applicant more direction as the hearing moves forward. Clark stated that the Board did not suggest or direct the applicant to revise their plans, and that it was understood beforehand that tonight's meeting was going to be based on the original plans submitted by the applicant.

**John Lee:** Stated that the latest plan revisions by the applicant are dated 9/15/20, which was just one week ago. Hale claims that the hearing process for this application is being treated different than 40A hearings, and demands that the public have the availability to see the newest revised plans.

**Ashley Clark:** stated that the newly revised plans are located on the Town website for everyone, including the public, to view at any time.

**Amy Kwessell:** Reiterated to the Board and the Applicant that we are currently in a pandemic, and the Board has the right to run their hearing as they have been, and any allegation that the Board is being discriminatory to the applicant and their project based on the applicants opinion "that the Board isn't treating this filing like they'd treat a 40A, is null, since the 40A projects before the ZBA do not consist of a 300 unit development. Furthermore, the Applicant revised plans at their own risk without hearing the comments from the public".

**John Lee** opened the hearing up to the Public for comment, which included the following:

**Bill Hamilton:** Opposed to the project, and within a mile of the NWRA in MA.

**Bill Abbot:** Concern over water and sewer capacity, lack of looping of this development with the rest of the towns water system.

**Erica Burdon:** Concern regarding an untrue statement by Hale that the public is only concerned about the buildings that can be seen from the street, voiced that she, and the public have concerns over safety aspects (kids walking to school), traffic and density.

**Joanne Mulligan:** Clarified that the new plans the Applicant wanted to present at tonight's hearing have not even been reviewed by the Towns peer reviewers yet. Stated that this project is extremely large and complicated. Concern regarding the current proposed access to enter/exit the project is poor.

**Ashley Clark:** asked the Board if they'd like to continue to proceed with work sessions. Lee stated that future work sessions are not necessary, and all elements of this project will be done in a hearing setting to maintain complete

transparency. Clark stated that if any of the public has anything they'd like to submit, that it could be submitted electronically via our email, [zba@walpole-ma.gov](mailto:zba@walpole-ma.gov).

Murphy Motioned to continue this hearing to 10/5/2020 at 7PM via Zoom Webinar, for the purpose of taking public comment only, based on the revised set of plans that have been most recently submitted by the applicant to the board, seconded by Delaney, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye). The motion carried 5-0-0.

**Case No. 05-20, Wall Street Development Corp., Dupee Street (Map 35; Parcel 380-1), Comprehensive Permit:**

Lee opened the hearing, present was applicant Lou Petrozzi of Wall Street Development, the applicants traffic consultant; Bill Skully, of Green International and Rob Truax of GLM Engineering.

Truax briefly outlined the proposal with the following;

The project site is approx. 52,000 sf of land off of Dupee Street. The current state of the street is half gravel and half paved roadway, and the proposed project plans to extend the roadway approx. 500 ft. with a 20 ft. roadway. There are currently six (6) duplexes proposed, at the dead end street that's a private way, with a hammerhead turnaround for emergency apparatus. The number of units has been reduced to twelve (12) from sixteen (16).

Along the backside of the units is a 4 ft. wide grass swale to prevent water runoff going onto Victoria Circle, and the waterline being proposed down Dupee street would be providing water to all twelve (12) units.

**Bill Scully: traffic review:** Stated that a limited traffic review was performed, and data has shown that the number of vehicles during the peak hours in the AM and PM were the same, with an amount of thirteen (13).

**Susanne Murphy** mentioned that there is no guest parking, and questioned where snow would be placed/ removed.

**John Lee** opened the hearing up to the public for comment, which included the following;

**Janice Lewis:** Concerns about water, ADA ramps, traffic issues, snow removal issue, sun blinding issue, parking issues, opposed to the number of units.

**Mark Rice:** Opposition regarding any access from Summit Ave. due to it being a family friendly street with small kids that often play outside; water pressure on Summit Ave, is already poor, concerned about the addition of units on the waterline.

**Katie Eibye: Stated that she** lives on highland and the water issue at end of Summit Ave. leaves large degree and rocks in front of their house, concerned about an even greater issue of water and snow; concerns over possible property damage.

**Jonathan F.:** Resident of Summit Ave.; concerns over the traffic study, fearful of parking due to narrow road, stated the aesthetics of the design proposed does not fit in with the currently existing neighborhood.

**Julie Sullivan:** Concerns over lack of guest parking, safety of kids walking to school- specifically regarding the cut thru from Hummingbird to get to Rte. 27.; concerns over snow removal.

**Tim:** Concerns over water pressure and power issue

**Tyler H.:** Concern over decrease in level of privacy being maintained on Victoria Circle, concerns over runoff on Victoria Circle.

**Ciaran Martyn:** Concern regarding water on Victoria Circle.

**Kristen Clark:** Concern over flooding of basements, basins, and power outages.

**Susanne Murphy:** feels like traffic needs to be peer reviewed since it's within close proximity to two schools and after hearing the concerns from abutters.

Murphy motioned to have the traffic and drainage undergo peer review, seconded by Delaney, roll call vote: Lee-aye' Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye. The motion carried 5-0-0.

**Ashley Clark:** suggested to continue the hearing to 10/5/2020 at 7PM via Zoom Webinar for the purpose of taking public comment on the project after people have had time to review the plans.

Murphy motioned to continue the hearing to 10/5/2020 at 7PM via Zoom Webinar for the purpose of taking public comment only, seconded by Delaney, roll call vote: Lee-aye' Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye.

The motion carried 5-0-0.

**Minutes:** No minutes were accepted at this time

Murphy motioned to adjourn, seconded by Delaney, roll call vote: Lee-aye, Fitzgerald-aye, Coffey-aye; Murphy-aye, Delaney-aye, Anderson-aye, the motion carried 6-0-0.

**The meeting adjourned at 9:45 PM**

Accepted 10/26/2020