



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

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*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*  
*Mark Major, Assoc. Member*

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**MINUTES**  
**WALPOLE ZONING BOARD OF APPEALS**  
**March 16, 2022**

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

Also in attendance were Patrick Deschenes (Community & Economic Development), Stephen Natola (Community & Economic Development), and George Pucci (Town Counsel)

Mr. Lee called the meeting to order at 7:01 P.M. and read the public hearing notice.

**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-story, six-unit, mixed-use residential development within the Business (B) Zoning District at Washington Street and Chestnut Street, Assessors Map Lot 20-32.**

Dan Merrikin, Legacy Engineering, provided background history on the site, its former uses, and prior site plans. Mr. Merrikin stated that the current plan was to build a three story structure around the existing clock tower, with the first floor as commercial space, and the upper 2 floors as residential. The residential units would consist of five (5) two-bedroom residential units, and one (1) one-bedroom unit. Mr. Merrikin further explained the topographical, parking, and traffic challenges around the project site.

Mr. Anderson questioned the proposed uses and the submitted architecture plans and noted their lack of detail and dates. Mr. Merrikin stated that the architectural plans were preliminary plans currently.

Mr. Fitzgerald questioned the parking layout and possible historic status of the Clock Tower. Mr. Merrikin stated how review by the Historical Commission would apply if demolition is proposed.

Mr. Delaney questioned the site's traffic layout and previous traffic studies. Mr. Merrikin explained how the traffic layout was designed with the fire department's interests in mind. Also, noted the previous traffic study looked at sight distances.

Ms. Conroy was concerned about the pedestrian layout and hoped all pedestrian infrastructure will be placed within the town's right-of-way. Ms. Conroy also stated that the distance between the proposed handicap parking and the commercial space entrances seemed far. Ms. Conroy also asked about the structural integrity and fire safety needed for the clock tower.

Mr. Merrikin stated that he realized that the current sidewalk proposal could be looked into and is amenable to changing it. Mr. Merrikin also stated that the applicant will provide details about the clock tower's structural integrity and fire safety when applying for a building permit.

Mr. Anderson questioned the building process around the clock tower.

Ms. Coffey gave a history of proposed commercial uses and the traffic woes at the intersection of Chestnut Street and Washington street. Desired to see traffic mitigation proposals.

Mr. Lee opened the hearing to the public for comment.

Richard Dunn, 4 Riverwalk Lane, expressed concerns about traffic pattern, but stated that he was also glad to see progress being made at the clock tower site.

John O'Leary, 776 Washington Street, questioned the square footage proposed for each tenant within the commercial space. Mr. Merrikin stated that the number of proposed commercial tenants is subject to change based on demand on the leasable space.

Ms. Conroy brought up the missing square footage on the plan set and noted that the calculations are necessary to comply with the zoning bylaws.

Mr. Anderson asked Mr. Merrikin to look into coordinating a bus stop with the MBTA.

**Motion** by Ms. Coffey and seconded by Mr. Delaney to continue the hearing until April 20, 2022

The Motion carried 5-0-0 (Lee-aye; Delaney-aye; Fitzgerald- aye; Coffey- aye; Anderson- aye).

**Case No. 20-21, Wall Street Development Corp, 48 Burns Avenue (Parcel 20-136)/ Union street (Parcel 20-119)/ Brook Lane (Parcel 20-115/ Burns Avenue (Parcel 20-137), On remand from the Housing Appeals Committee, Request for Project Change/ Amendment to a Comprehensive Permit under G.L. c.40B 20-23 to amend the project to include Brook Lane; forty (40) units in eight (8) buildings, instead of the previously approved thirty-two (32) units in (6) buildings and utility connections from Brook Lane and eliminate installation of utilities from Union Street (Continued from 2/16/2022)**

Agenda item began at 7:37 P.M.

Ms. Conroy recused herself from this hearing due to a conflict of interest.

Mr. Petrozzi presented his revised plans showing a reduction to the number of units in order to comply with MassDEP's superseding order of conditions.

Mr. Lee acknowledged the recent letters from Walpole Fire Department, Board of Health, and Engineering, and confirmed Mr. Petrozzi's knowledge of all the letters and the need to address the concerns in the letters.

Sean Reardon of Tetrattech, civil engineering peer review consultant, spoke positively about the drainage design, traffic report, and change in the traffic pattern into a two-way street. Mr. Reardon stated that he was concerned about the lack of sidewalk thru the site since both Brook Lane and Burns Avenue have sidewalks. Mr. Reardon also stated wanting construction access moved to Brook Lane due to access to Route 1.

Mr. Reardon stated that the applicant still needs to include firetruck access routes, unit size, lighting plan, and additional traffic mitigation measures.

Mr. Lee, questioned the size of driveways. Mr. Reardon, explained how a driveway needs to meet Walpole's minimum parking requirements.

Mr. Anderson questioned the missing sidewalk. Mr. Reardon stated that the minimum sidewalk requirement for a non 40B subdivision is, 1 four-foot-wide sidewalk running the length of the subdivision roadway.

Ms. Coffey stated her concerns about parking, driveway size, and pedestrian infrastructure/ safety. Ms. Coffey stated that sidewalks need to be shown on any future proposed plans.

Mr. Anderson questioned Mr. Petrozzi's willingness to provide a sidewalk through the site and the consequences of shifting the buildings. Mr. Petrozzi noted how the original proposal didn't have a sidewalk, but is open to including a sidewalk and shifting the buildings.

Mr. Delaney questioned Mr. Reardon's assertion that the proposed development will not serve as a cut-through for Union Street and Pleasant Street. Mr. Reardon explained how there were no benefits to cut through the site for vehicles and any use as a cut-through would be insubstantial.

Mr. Truax, GLM Engineering, requested clarity from the board regarding the proposed cul-de-sac removal on Brook Lane, traffic mitigation techniques, and the cul-de-sac.

Mr. Reardon referenced the applicant's traffic study and questioned the need for several recommendations within the traffic study, including speed bumps. Mr. Fitzgerald read a letter from the Walpole Fire Department mentioning their opposition to the use of some speed bumps.

Mr. Petrozzi showed a revised proposal for removal of the cul-de-sac on Brook Lane.

Mr. Lee opened the hearing up to public comment.

Cheryl Montville-Hayes, 8 Brook Lane, expressed her frustration with the development process. Submitted a letter to the ZBA and read some of the main points. Ms. Montville-Hayes was in favor of the removal of the cul-de-sac on Brook Lane

Jack Conroy, 34-36 & 38-40 Burns Avenue, had concerns about this project which were also expressed in a letter submitted to the Board. Mr. Conroy's concerns had to do with both process and site design. Mr. Conroy stated that he felt that the ZBA doesn't have the authority to unilaterally change Brook Lane's ownership or redesign of the cul-de-sac without approval from the Select Board due to their role as road commissioner. Mr. Conroy also took issue with proposed public fire hydrant on private property; ownership of Burns Avenue and access to the proposed development; the narrowing of the traveled way due to the addition of curbing; lack of sidewalks, visitor parking, and snow storage.

Mr. Pucci refuted Mr. Conroy's claim that the residents of Brook Lane are now applicants. Explained how the applicant may fail to comply with the zoning board's conditions as a result of other town board's decisions.

Mr. Lee explained how the ZBA can discuss the cul-de-sac and possibly make it as part of a condition for off-site mediation, but ultimately the Select Board may need to approve the change.

Cathy Campbell, 35 Burns Avenue, pointed out a discrepancy between the original conditions and the current proposal regarding sidewalks.

John O'Leary, 776 Washington Street, questioned the turning radius of firetrucks.

Mr. Lee asked Mr. Truax to address the lack of fire truck turning radius plans.

Mr. Reardon recommended the Board get new comments from the conservation commission in order to clarify which of their concerns are still valid and if any new concerns have arisen.

Mr. Pucci advised the board to look at the conservation commission's comments again regardless of the DEP's superseding order of conditions.

Mr. Lee told the applicant they need to: talk to the town engineer about the cul-de-sac; include sidewalks, fire hydrants, snow storage, and visitor parking on the plans; provide the Board with a lighting plan, a modified traffic report and updated building elevations; and address issues brought up by various town boards and the peer review agent.

**Motion:** by Mr. Anderson to continue the hearing until May 4 and extend it until May 18, seconded by Ms. Coffey.

Motion carried 5-0-0 (Lee-aye; Fitzgerald- aye; Anderson-aye; Delaney-aye; Coffey- aye).

**Case No. 05-20, On Remand from the Housing Appeals Committee (HAC) mediated revision to the previously denied comprehensive permit application, Wall Street Development Corp., HAC Docket No. 21-04, to review proposed changes to the ingress and egress of the project site from High Plain Street (Route 27), Dupee Street (Map 35, Parcel 380-1), Walpole, MA, Zoning District RB - Residence B District (Continued from 3/2/2022)**

Agenda item began at 9:32 P.M.

Ms. Conroy rejoined the board.

Mr. Lee gave a history of the case and wanted to gauge the board member's feelings towards the project.

Mr. Anderson stated his support of the project given the work done to revise the previous concerns.

Mr. Fitzgerald supported the project in its current state and cited the peer review letter and the project's compliance with MassDOT regulations. Mr. Fitzgerald spoke of the board's past work on the project and the risks of denying the project.

Ms. Coffey stated that she was concerned about safety issues and read from the previous decision to detail the difficulties fire apparatus access on Dupee Street before the modification.

Mr. Pucci explained how the current modification before the board addressed the comments read by Ms. Coffey.

Mr. Delaney stated that he was concerned about the lines of sight and the density of the site.

Mr. Lee stated that he believed that the site would be unsafe, and that he believed the need for affordable housing shouldn't outweigh public safety.

Mr. Pucci recommended keeping the hearing open in order to consider a denial decision, since the current draft decision before the board is an approval and the board has a 14 day deadline to file a written decision with the town clerk after the conclusion of the hearing.

Mr. Lee requested to keep the hearing open and draft a denial decision incorporating a lot of the conditions from the previous denial. Mr. Lee stated the Board should have the draft decision prepared for the April 6<sup>th</sup> hearing.

Mr. Deschenes noted he will consult with town counsel regarding the draft denial decision.

Mr. Pucci recommended to vote and close the hearing on April 6<sup>th</sup>.

Mr. Fitzgerald reminded the board that their denial based on a 1 foot incursion by fire apparatus could be replaced by the significantly worse original incursion if the applicant appeals the denial and the board loses an appeal.

Tyler Houle, 20 Victoria Circle, questioned current parking on Dupee Street and snow removal.

Michael Moliver, 3 Dupee Street, concerned about the width of Dupee Street and preferred if the project came from Summit Avenue.

**Motion** by Mr. Anderson to continue the hearing until 6 April and seconded by Ms. Coffey

The Motion carried 5-0-0 (Lee-aye; Delaney-aye; Fitzgerald- aye; Coffey- aye; Anderson- aye).

### **Bylaw Review Committee**

Agenda item began at 10:01 P.M.

Ms. Conroy expressed interest in joining the committee.

### **Minutes Review: March 2, 2022**

Agenda item began at 10:03 P.M.

Ms. Conroy suggested to include a start and end time for each hearing. Asked to include more detail regarding town litigation updates.

**Motion:** by Ms. Coffey to, seconded by Mr. Delaney.

Motion carried 5-0-0 (Lee-aye; Fitzgerald- aye; Anderson-aye; Delaney-aye; Coffey- aye).

**Adjournment:**

**Motion:** by Ms. Coffey to adjourn, seconded by Mr. Anderson. Motion carried 5-0-0  
Lee-aye; Fitzgerald- aye; Anderson-aye; Delaney-aye; Coffey- aye.

Meeting adjourned at 10:06 pm

Submitted: Stephen Natola