

WALPOLE ZONING BOARD OF APPEALS MINUTES OF MARCH 29, 2021

A meeting of the ZONING BOARD OF APPEALS was held remotely via Zoom on MONDAY, MARCH 29, 2021 AT 7PM. The following members were present on the Zoom Webinar:

Present: John Lee, Susanne Murphy, Bob Fitzgerald, Jane Coffey, Drew Delaney, Amy Kwesell (Town Counsel), Ashley Clark

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

Lee opened the hearing, Amy Kwesell of Town Counsel was present and explained that an updated draft decision has been circulated and posted online for all to view. Lee opened the hearing up to the public for comments, which included the following;

Becky Litvak: question regarding whether the abutters outside fire protection consultant can have a meeting with the Fire Dept. relating to the fire codes and safety, specifically relating to building height in the event that the public hearing is not closed tonight.

Lee stated that if there is something in the plans that do not meet fire code and safety that the applicant has to follow the state fire codes regardless, and therefore those issues will be addressed in the event the project does not meet them. Mrs. Kwesell stated that the request was that Attorney Murphy wanted to have his fire safety engineer meet with the Fire Dept., and further reiterated that this cannot happen outside of the ZBA hearing. Mrs. Kwesell further reiterated that the ZBA has no jurisdiction or authority to waive any state statute or CMR, and therefore with regard to fire safety, the Fire Dept. is responsible for making sure the applicant is within compliance, as well as the Building Inspector.

Bill Hamilton: stated that the water resource overlay protection district is a state bylaw and not a local bylaw, and questions if the ZBA has the authority to grant the 15% percent.

Fitzgerald stated that this issue was discussed prior in a previous hearing, and upon further information submitted by the applicant, the ZBA was not waiving compliance or issuing a waiver, and that the applicant submitted information that they are eligible for a special permit. Lee stated that they are not looking at the state bylaw, and that Section 12 is a local bylaw, which is what the ZBA is focusing on looking at.

Erica Burdon: stated that a petition was submitted to the ZBA relating to the request to deny the request for the height waiver, and to limit the project to 4 stories.

Mark Major: has an opportunity to minimize the damage, and stated that the draft decision does not reflect this. Recommends that the draft decision include a decrease in total number of units and a second entrance to the project that is not solely devoted to just an emergency access point.

Bill Hamilton: paper street "American Drive" at the end of Industrial Road would be a possible entrance/exit solution to the potential increase in traffic that the project would create.

Joanne Mulligan: expressed concern over the safety of entering and exiting the project.

Stephanie Hardmon: expressed concern over the extra road being developed relating to safety issues, and stated that the building height is excessive.

Lee asked if the other members of the ZBA would like to keep the public hearing open or closed. Murphy asked if the ZBA has any input relating to the monitoring, in which Mrs. Kwesell stated that the DHCD assigns a monitoring specialist, who will be monitored by the Town and the Select Board. Murphy stated that she is impartial to closing or keeping the public hearing open. Coffey asked if the number of stories of the project has been agreed upon, in which Lee stated that there has not been a solid stance as to whether the number of stories will be 4, 5 or 6.

Hale: stated that in terms of downsizing, if he gets all of his permits, he is unlikely to appeal the decision based on 5 stories, however, stated that he will appeal the decision based on 4 stories. Hale stated that there are no fire safety issues, and the height of the project meets the height zoning requirements according to the building inspector. Hale

stated that between 36-45 percent of the people living in this development will most likely be 50+. Hale expressed that the board should consider the housing demand in the state, in Walpole and the current residents. Hale stated that he is comfortable closing the hearing this evening. Hale stated that the emergency access will create safety for the project.

Joseph Desisto: the statements that were just made by Mr. Hale are a slap in the face. Desisto stated that the projects proposed high-rise buildings are not as safe as Mr. Hale has previously stated.

Kathleen Garvin: stated that the height of the building of 5 or 6 stories is too large, and will be seen, does not think that there is a need for the project to be excess of 4 stories. Expressed concern over the traffic on Summer Street and near Boyden School.

Erica Burdon: reiterated what Joseph Desisto stated, and would like to see the project to be reduced to 4 stories and a decrease in 60 units.

Lee stated that at this point in the hearing process, that he is comfortable closing the public hearing.

Murphy motioned to close the public hearing, seconded by Coffey, roll call vote: Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye; Lee-aye. The motion carried 5-0-0.

Murphy motioned to hold a closed public hearing on April 5, 2021 at 7PM via Zoom for the purpose of going over the draft decision and deliberation by the board, seconded by Coffey, roll call vote: Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye; Lee-aye. The motion carried 5-0-0.

Murphy motioned to adjourn, seconded by Coffey, roll call vote: Murphy-aye; Fitzgerald-aye; Delaney-aye; Coffey-aye; Lee-aye, the motion carried 5-0-0.

Minutes: no minutes were accepted at this time.

Murphy motioned to adjourn, seconded by Coffey, the vote was 5-0-0, the motion carried.

The meeting adjourned at 8:15 PM

6/16/21