

WALPOLE ZONING BOARD OF APPEALS MINUTES OF MARCH 4, 2020

A meeting of the Walpole Zoning Board of Appeals was held on Wednesday, March 4, 2020 at 7:00 PM at the COUNCIL ON AGEING. The following members were present: John Lee, Chairman; Susanne Murphy, Vice Chairman; Bob Fitzgerald, Clerk; Jane Coffey, Member; Drew Delaney, Associate Member; Ashley Clark, Community & Economic Development Director; Amy Messier, Administrative Board Secretary

Also present: Amy Kwesell of KP Law (Town Counsel); Judi Barrett (40B Consultant)

Absent: Rick Merrikin – Recused of hearing

7 PM Lee opened the meeting:

Judi Barrett gave a 40B presentation prior to the applicant's testimony, which included the following topics;

40B process and requirements; ZBA jurisdiction, decision making and conditions; affordable housing types and needs; important timelines; peer review process; 40B rules & regulations.

Case No. 03-20, 55 SS LLC., 51-53-55 Summer Street, Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, Section 20 through 23, as amended to allow the construction of two hundred and forty (240) rental units and sixty (60) ownership units:

Lee opened the hearing, present with applicants David Hale and Leslie French of Omni Development included the following;

- Phil Macchi of Macchi & Macchi (attorney)
- Brian Butler of Oxbow Associates (wetlands specialist)
- Katie Enright of Howard Stein Hudson (civil engineer)

Hale presented on the following topics: Omni background & development team; project overview; demographics.

Enright presented a project overview focusing on the general scheme and layout regarding: acreage; road access; parking (surface & below); mailbox locations; utilities; stormwater mgmt. (test pits, design types, recharge and TSS requirements, proposed wetlands crossings).

Hale touched upon previous 40B projects of similarity that included other communities including: Westford, Tewksbury, Acton and Littleton. Hale presented statistics on the school system and predicted future projections for the town. Kwesell stated that testimony regarding the school system is irrelevant for this project, and recommended, along with Lee, that the applicant cease any further discussion relating to the school system, and focus on other relevant topics. Hale gave an overview of the different types of homes and their proposed locations on the property, and indicated their various potential layouts/sizes, etc. It was stated that an LSP was hired to review and investigate the property regarding contamination, groundwater and previous uses of the property. A completed traffic study by the applicant was also mentioned, and is to be addressed at a future hearing- specifically addressing the increase in vehicles, pedestrians, queueing and level of service.

Hale touched upon why Omni Development views this project beneficial to the Town, which included the following;

- One-hundred percent of the rentals and twenty-five percent of the ownership units will contribute to the towns subsidizing inventory
- project will provide tax revenue
- if approved, project will provide town with an exemption for a small period of time from other 40B proposals.

Fitzgerald asked why the Applicant has two proformas and sought Town Counsels opinion regarding potential conditions relating to the proformas and the economics of the project. Kwesell stated that the project has two proformas due to the project containing both rental and ownership units, and that a future decision may need to be divided to reference each proforma regarding conditions and economics.

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

- Bill Hamilton of Eldor Dr.: Concerned over possible water contamination/ supply, suggests hydrological studies, possibility of town hiring an independent contractor regarding the limited study the Applicant provided for ground and water contamination
- Joanne Mulligan of S. Walpole: question on how to access to incoming information on the project, peer review items
- Hardik Ravel of 79 Summer St.: traffic concerns, potential increase in water restriction
- Dawn Freiburger of 20 Concord Dr.: organization of hearing process re: topics of discussion, site visits, easily accessible information.
- Erica Burden of 1915 Washington St.: concern over safety of children related to traffic impacts at preschool and Boyden
- Chrissa Kaselis of 20 Lacivita Dr.: concern over past projects of OMNI, traffic impacts, fencing along eastern side of tracks, egress proximity to the tracks
- Becky of Washington St.: concern over increase in vehicles, queuing on Summer St., length of time for project completion, MassHousing letters previously submitted
- Bernie Goba of 1871 Washington St.: project does not positively improve quality of life in town, electric car charging stations
- Joe Desisto of 241 Summer St.: clarified with Applicant that there is no access to the train from the development, overburdening of police and fire

Barrett suggested that a site visit take place (with no deliberation to take place) for the Board and anyone from the public to observe the following;

- 5 single family homes proposed immediately into the entrance way
- Placement (setbacks) of the large buildings and their proximity to the tracks and abutters

A scheduled site visit was scheduled for Friday, March 20, 2020 at 10AM.

Lee stated that the Board has received peer review proposals for the scope of work, including the following;

- Tetra Tech proposal dated 2/12/2020 (civil, site, utility, water, traffic, wetlands, site contamination, LSP)
- Davis Square proposal dated 2/20/2020 (architectural)

Kwesell recommends that the ZBA vote on accepting the proposals for the scope of work before them, Coffey motioned to accept both proposals from Tetra Tech and Davis Square, seconded by Murphy, the motion carried 5-0-0 (Lee, Murphy, Fitzgerald, Coffey, Delaney)

Clark recommended the following to the ZBA/ applicant/ public;

- Hard copy in PDF of application (applicant)
- Comments and other documents from the public be submitted electronically to the office, in order to post online to the Town website
- ZBA to allow staff to take charge/ coordinate thru the department

With further information needed, peer review funds to be submitted to the office from the applicant, and a peer review to take place, Lee recommended that the hearing be continued to a later date, with the understanding that the topic of discussion would be traffic. Hale stated that the in a previous meeting with town department heads, it was suggested that he provide a section in the submitted traffic study to include information regarding pedestrians, and that this information would be submitted soon to the ZBA prior to the next scheduled public meeting.

Coffey motioned to continue the public hearing to April 15, 2020 at 7PM at the COA, seconded by Murphy, the motion carried 5-0-0 (Lee, Murphy, Fitzgerald, Coffey, Delaney)

Other Business/ Discussion Items:

Request for Extension of Time; RE: 2180 Boston Providence Highway, John Shalbey, Case No. 19-19, Special Permit/ Variance Request:

This item was not addressed at this time as advised by Town Counsel, and will be placed on the 3/18/2020 agenda.

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

The meeting adjourned at 10:00 PM

Accepted 7/27/2020