

WALPOLE ZONING BOARD OF APPEALS MINUTES OF APRIL 14, 2021

A meeting of the ZONING BOARD OF APPEALS was held remotely via Zoom on WEDNESDAY, APRIL 14, 2021 AT 7PM. The following members were present on the Zoom Webinar:

Present: John Lee, Susanne Murphy, Bob Fitzgerald, Jane Coffey, Drew Delaney, Patrick Deschenes (Community & Economic Development Director), Ashley Clark, George Pucci (KP Law), Amy Kwesell (KP Law), Judi Barrett (40B Consultant)

Lee opened the meeting at 7PM

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

Mr. Lee opened the hearing, present was Lou Petrozzi of Wall Street Development. Mr. Lee explained that the purpose of tonight's hearing is to discuss the list of requested waivers, dated 1/10/21 that the applicant has previously submitted. Mr. Pucci and Mrs. Barrett weighed in on several items on the list of waivers, and Ms. Clark stated that number of waivers will most likely need further information from the applicant for the board to consider whether or not the waiver is appropriate. Ms. Clark noted that the board has repeatedly asked the applicant for updated drawings and a site plan that matches the architectural by way of the design peer review by Mr. Boehmer. Ms. Clark reiterated Mr. Boehmer's recent comments, that the most recent set of revised plans did not make any meaningful progress towards the requested information. Mr. Lee stated that the board will not review the entire list of requested waivers due to the list being unsatisfactorily completed by the applicant, and that additional information that is crucial for the determination of the waiver's being granted or denied is outstanding. Mr. Lee asked Ms. Clark if additional funds have been received from the applicant for Tetra Tech's amendment request, dated 3/22/21 for additional peer review (revisions & resubmittals) that requires an additional \$6,000.00 in funds, in which Ms. Clark stated that additional funds by the applicant have not been received at this time. Mr. Petrozzi questioned what materials needed additional review, and referenced the last peer review letter submitted by Tetra Tech, dated 2/22/21. Mr. Petrozzi stated that he did not receive a copy of the amendment request dated 3/22/21 from staff, and demanded that the revised scope of work be provided to him. Mrs. Clark shared her screen via zoom which depicted that the amendment request dated 3/22/21 was sent to Mr. Petrozzi via email on 3/23/21, which included an explanation from Tetra Tech as to why the amendment for a revised scope and additional funds was necessary. Mr. Petrozzi requested that all of the peer review invoices for this project be sent to him, in which staff agreed to provide him with as soon as possible. Mr. Lee asked the applicant how much time he would need to provide an updated list of waivers that accurately reflects the relief requested, in which Mr. Petrozzi stated two weeks. At the applicants request, Mrs. Murphy motioned to continue the public hearing to 5/5/21 at 7pm via zoom, and keep the public hearing open to 5/6/21, seconded by Mrs. Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye, the motion carried 5-0-0.

Case No. 20-24, Radke Associates, LLC, 270 Moose Hill Road, Comprehensive Permit:

Lee opened the hearing and stated that the applicant has requested to continue the public hearing without testimony to a later date and time certain. At the applicants request, Mrs. Murphy motioned to continue the public hearing to 5/19/21 at 7pm via zoom, seconded by Mrs. Coffey, roll call vote: Lee-aye; Murphy-aye; Coffey-aye; Fitzgerald-aye; Delaney-aye, the motion carried 5-0-0.

CLOSED HEARING

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

Mr. Lee explained that the project has been heavily discussed and reviewed by the board, and that building height is an element of the project that still has outstanding concerns by the board. Mrs. Kwesell of KP Law was present as Town Counsel, and recommended that the board review all of the letters that have been submitted by the Fire Department in order to assist the board in determining the appropriate building height and reasoning of the boards determination. Mr. Lee asked Mrs. Barrett if she had anything to add, in which Mrs. Barrett stated that her

concern for the board would be that if the project were to be appealed go to the HAC, the town would lose any and all off-site mitigation and improvements that have been previously negotiated and proposed by the applicant. Mr. Lee asked the board members their thoughts on the project as it is now, which included the following comments;

Mr. Fitzgerald reiterated that the board is responsible for promoting affordable housing consistent with local concerns, and listed the four categories;

1. the health and safety of the members of the community
2. the need to protect the natural environment
3. the need to promote better site and building design in relation to the surrounding community
4. the need to preserve open spaces

Mr. Fitzgerald read over the comments and concerns addressed by various different town boards and staff, along with comments and concerns of peer review that directly related to the four categories mentioned above, all of which were a factor in helping him determine that the most appropriate height of the multi-family buildings would be four stories.

Mr. Lee agreed with Mr. Fitzgerald that the multi-family buildings would be best at a maximum of four stories for the town, the current residents of Walpole and the future residents of Walpole.

Mrs. Murphy agreed that four stories would be the most acceptable for the project.

Mrs. Coffey stated that she still feels uncomfortable with the project due to safety concerns and will not vote in the affirmative for this project. Mrs. Coffey later stated that she would accept the multi-family buildings to be a maximum of four stories.

Mr. Delaney stated he is not in favor of the project due to the density and only one access point, and would be in favor of a 4 story maximum building height.

Ms. Clark stated that the board currently has a draft decision that reflects a four story maximum for building height for the multi-family buildings, and that the next steps for the board would be to vote on the draft decision or make any edits as they deem necessary, and then file the final decision with the Town Clerk. Mrs. Kwesell stated that an updated list of waivers has not been provided to her, which would include the additional waiver of 8 ft. fencing. Mrs. Kwesell suggested that the board first vote on the list of waivers and would be comfortable with the board voting on a list of waivers with the inclusion of the additional waiver relating to the 8 ft. fence to be added. Mrs. Murphy motioned to accept the list of waivers that include the additional waiver of the 8 ft. fence, seconded by Mrs. Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye, the motion carried 5-0-0. Mrs. Murphy motioned to approve the decision as drafted, with amendments as described by member Mr. Fitzgerald, seconded by Mrs. Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye, the motion carried 5-0-0. Mrs. Murphy motioned to authorize member Mr. Fitzgerald to sign the decision on behalf of the board, seconded by Mrs. Coffey, roll call vote: Lee-aye; Murphy-aye; Coffey-aye; Fitzgerald-aye; Delaney-aye, the motion carried 5-0-0.

Joint Committee on Inclusionary Zoning: Mr. Lee stated that he has received an opinion on this matter from Town Counsel since the last time that it was on the agenda, and that it was deemed appropriate that zoning board members can be involved with and be active participants of a Joint Committee for Inclusionary Zoning. Mr. Lee also stated that and he would be interested in joining the committee, along with Mr. Fitzgerald.

Minutes: no minutes were accepted at this time.

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

The meeting adjourned at 8:40 PM

Accepted 7/14/21