

**DECISION PURSUANT TO 760 CMR 56.05 (11)(c)
FOR SUBSTANTIAL CHANGE
Case # 03-20**

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Revised Decision on Chapter 40B Comprehensive Permit Application G. L. c. 40B §§20-23
Approved July 14, 2021

Location of Property Involved: 51-53-55 Summer Street

Walpole Assessors Map: 52; Lots 59, and 78-1 (formerly 78-1, 78-2 & 78-3)

Recorded in Norfolk Registry of Deeds in Book 40432, Page 517 (“Decision”).

Pursuant to the provisions of 760 CMR 56.05 (11)(c), 55 SS LLC (Owner of Lot 2) and Fairfield Summer Street LLC (Owner of Lot 1, purchased subsequent to the issuance of the Decision by virtue of deed recorded in Norfolk County Registry of Deeds in Book 41101, Page 422), request modifications to the Decision. Fairfield Summer Street LLC intends to purchase Lot 2.

The proposed modifications include: replacing the fifty-six ownership units on Lot 2, which are units currently configured as single family and duplex units, with a 56-unit, four story multifamily rental building with both uncovered and covered surface parking; moving three townhome buildings that are nearest the rail bed from Lot 1 to Lot 2; and eliminating the Homeowner’s Association as both Lots 1 and 2 will be held in common ownership. As a result of these modifications, the entire site (Lot 1 and Lot 2) will be comprised of all rental units and will be considered as one project.

Pursuant to the provisions of G. L. c. 40A, §11, notice was made by publication and sent to persons of interest by certified mail.

Board of Appeals held public hearings on July 17, 2023, August 24, 2023, September 6, 2023, October 11, 2023, and November 20, 2023. The Board of Appeals closed the public hearing on November 20, 2023. A motion was made by Mr. Fitzgerald and seconded by Mr. Delaney to approve the modification with conditions and requested waivers by a vote of 3-2-0. Lee-nay, Fitzgerald-aye, Delaney-aye, Conroy-nay, Hoegler-aye.

The Board of Appeals found that the proposed changes: keep the unit count unchanged; move units away from abutters; decrease the use of the buffer; decrease the impervious coverage; move units away from the rail bed; increase the town’s SHI by forty-two units (as the entire Project will now be rental); eliminate the need for an HOA as the lots will have unified ownership and no dimensional waiver modifications required as the changes fall within the dimensional zoning requirements as modified by the existing waivers.

The modifications are shown on the following plans dated June 20, 2023 and revised, November 10, 2023 (“Modified Plans”).

Sheet C.1	Cover Sheet
Sheet C.2 – 4	Site Plan Notes
Sheet C.5	Locus / Key Plan

Sheet C.6 – 10	Existing Conditions Plans 1 - 5
Sheet C.11	Erosion Control and Demolition Sheet
Sheet C.12	Proposed Overall Plan
Sheet C.13	Open Space, Recreation, and Parking Plan
Sheet C.14 – 18	Layout and Materials Plan 1 - 5
Sheet C.19 – 23	Grading and Drainage Plan 1 - 5
Sheet C.24 – 28	Utility Plan 1 - 5
Sheet C.29 – 33	Landscape Plan 1 - 5
Sheet C.34 – 38	Lighting Plan 1 - 5
Sheet C.39 – 65	Detail Sheet 1 - 27

The substantial change to the Decision is approved pursuant to 760 CMR 56.05 (11)(c), on the following conditions:

1. The Project will be constructed in accordance with the Modified Plans;
2. After Fairfield Summer Street LLC purchases Lot 2, rental rather than Home Ownership shall be permitted on Lot 2; and all requirements and references to Home Ownership, Condominium Documents and the Homeowners Association are deleted from the Decision;
3. Storage of Liquid Hazardous Material as defined in M.G.L c. section 21E and or liquid petroleum products is permitted in accordance with the Modified Plans as the fuel storage complies with requirements of the provisions of the Walpole Zoning Bylaw Section 12.3.C.6.;
4. All residential buildings on Lot 1 and Lot 2 that do not have under building parking garage will be designed with direct exterior access to the building's sprinkler room;
5. Grills are prohibited on balconies. Grills are allowed on the patios of the townhomes and the clubhouse;
6. The existing path in the northwest corner of Lot 2 connecting to the existing trail that runs along Cedar Swamp Brook will be extended to the emergency exit driveway;
7. An additional \$125,000 shall be provided by the applicant for off-site mitigation solely to be utilized towards necessary roadway improvements within South Walpole, consistent with the purpose and intent of Condition K.1. of the approved July 14, 2021 Comprehensive Permit;
8. Except as modified herein, all of the provisions of the Decision shall remain in full force and effect;
9. Following additional waivers are hereby granted.

LOT 2

Town of Walpole Zoning Bylaw		
Residential Use prohibited in Limited Manufacturing zone.	A waiver is requested to permit development of dwellings for occupancy by more than three families within a Limited Manufacturing Zone.	Approved.

<p>Required Maximum Building Height for a lot in the Limited Manufacturing zoning.</p>	<p>The applicant's position is that the applicants' plan meets the zoning requirement relative to height and no waiver is required as the Building Commissioner has provided a written opinion for the record stating that footnote 10 applies to this project. However, to the extent that a waiver is required, a waiver is requested to allow for a four-story building.</p>	<p>Approved to allow for a maximum of four (4) stories.</p>
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It is the intention of the Board to grant only those specific waivers requested by the Applicant as necessary for this modification. Any required waiver not shown on the approved plan will need to be reviewed by the Board in accordance with 760 CMR 56.05(11).

In accordance with 760 CMR 56.05(12)(c), this Modification shall expire three years from the date that it becomes final, unless (i) prior to that time substantial use of it has commenced or (ii) the time period is otherwise tolled in accordance with law.

Pursuant to 760 CMR 56.05 (11)(c), the foregoing substantial changes to the Decision are hereby granted this 20th day of November, 2023.

WALPOLE BOARD OF APPEALS

Robert H. Fitzgerald
Paul A. Conway
John Delaney
John D. Boyle
John Lee

Filed with the Town Clerk on Nov. 30, 2023.

Town Clerk

Elizabeth Gaffney

Notice: Appeals, if any, by any party other than the Applicant, shall be made pursuant to Massachusetts General Laws, Chapter 40A, s. 17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Town Clerk, Town Hall, Walpole, Massachusetts. Any appeal by the Applicant shall be filed with the Housing Appeals Committee pursuant to G. L. c. 40B, § 23, within twenty (20) days after the filing of this notice in the Office of the Town Clerk.