



Town of Walpole
Commonwealth of Massachusetts
Zoning Board of Appeals

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DECISION ON NOTICE OF PROJECT CHANGE
G.L. c. 40B, §§20-23

HOUSING APPEALS COMMITTEE
Remand Hearing
Docket No. 2020-01

APPLICANT
Wall Street Development Corp – Burns Avenue Development, LLC

LOCATION OF PROPERTY INVOLVED
48 Burns Avenue
Walpole Assessors Map: 20; Lots 115, 119, 136 & 137

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I. PROCEDURAL HISTORY

1. The Walpole Zoning Board of Appeals (the “Board”) issued a Comprehensive Permit to Wall Street Development, LLC (the “Applicant”) pursuant to M.G.L.c.40B by virtue of a Decision (the “2020 Decision”) filed with the Walpole Town Clerk on January 13, 2020, for a project located at 48 Burns Avenue (the “Original Project”)

2. By letter dated April 23, 2020 (the "Notice of Project Change"), the Applicant submitted a request to the Board to amend the Comprehensive Permit for the Original Project pursuant to 760 CMR 56.05(11) to allow for a series of modifications to the Original Project, including: (i) an increase in the lot size by 16,536 square feet as a result of the pending acquisition of additional land by the Applicant; (ii) an increase in the number of buildings from 6 to 8; (iii) an increase in lot coverage from 15.8% to 22.6%; (iii) an increase in the lot coverage by structures by 60% or 13,392 square feet; (iv) an increase the impervious surface associated with the Original Project by 27% or 12,995 square feet; (v) increase the number of units from 32 to 40, (vi) eliminate guest parking spaces; (vii) decrease setbacks to 15' from 26', a 73% decrease; and (viii) to construct a through street to provide two means of access and egress to the Project where only one point of access to a turnaround previously was provided.

3. At a public meeting on May 6, 2020, having reviewed and discussed the Notice of Project Change, the Board voted unanimously that the proposed changes to the Original Project are substantial pursuant to 760 CMR 56.05(11). The Board noted that MassHousing had also determined the changes to be substantial in their letter dated January 31, 2020. The Board notified the Applicant of the decision on May 7, 2020.
4. The Board opened a duly advertised public hearing on November 18, 2020. The Board continued the hearing and heard and/or deliberated on testimony on the following dates: November 30, 2020 and January 6, 2021. The Board voted to close the public hearing on January 6, 2021
5. On February 11, 2021 the Board voted to deny the modified Comprehensive Permit on the grounds that the Applicant refused to pay for peer review fees as required under 760 CMR 56.05(5)(a) and 760 CMR 56.05(5)(b).
6. The Board filed this decision with the Town Clerk's office on February 18, 2021.
7. On February 24, 2021, the Applicant filed with the Housing Appeals Committee (the "HAC") a "Motion for Determination that Project Change was Constructively Approved, and Appeal of their Decision on Notice of Project Change," with a memorandum in support.
8. On April 15, 2021, the Applicant filed with the Housing Appeals Committee a motion for summary decision entitled "Motion for Summary Decision," seeking a determination that the Board imposed excessive and unreasonable peer review fees in its consideration of the Notice of Project Change, and requesting that the Housing Appeals Committee remand the matter to the Board instructing it to impose a reasonable fee.
9. In a letter dated November 8, 2021, the Housing Appeals Committee issued their Ruling on the Applicant's Motion for Determination that the Project Change was constructively approved, Appeal of the Board's Decision on Notice of Project Change, and Motion for Summary Decision. As described in detail through the Ruling, the HAC found that the Applicant's Motion for Determination that Project Change was Constructively Approved and Appeal of the Board's Decision on Notice of Project Change was denied. The Applicant's Motion for Summary Decision was also denied

10. As stated within the Ruling, the HAC remanded the case back to the Board in order to engage the peer review services of Tetra Tech at the expense of the Applicant for reconsideration and review of its decision on the proposed changes to the subject project.
11. The Ruling further stated that conditions one (1) and five (5) of the original November 16, 2020 joint motion to remand would be amended to state the following:

“1. The Board’s hearing shall commence no later than on December 6, 2021, unless the parties agree to a later date;” and
“5. The public hearing shall close upon the conclusion of the presentation of evidence but no later than 120 days from the date the public hearing commences, unless extended by the parties”
12. The Board opened a duly advertised public hearing on December 6, 2021. The Board continued the hearing and heard and/or deliberated on testimony on the following dates: January 5, 2022, February 16, 2022, March 16, 2022, and May 4, 2022.
13. At the March 16, 2022 public hearing the Board and the Applicant agreed on an extension of the deadline to close the public hearing for the comprehensive permit to May 18, 2022.
14. Due to the lack of requested information, including a revised site plan, and the impending public hearing deadline, the Board voted to close the public hearing on May 4, 2022.
15. The Board deliberated on the Notice of Project Change at a duly notified public meeting on May 25, 2022 and June 1, 2022. On June 1, 2022, the Board voted to deny the Notice of Project Change.
16. On June 15, 2022 the applicant filed a Notice of Appeal after remand.
17. On August 18, 2022, the applicant filed a notice of project change with the Housing Appeals Committee and a motion for the Committee to retain jurisdiction for review of the proposed project change. The revision included the following changes:

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- a. Revising the development concept from 38 townhouse condominium units in seven buildings to a 20 single-family home concept;
 - b. The 20 single-family lots will range in lot area from 2,700 to 5,600 square feet, with frontage from 38 feet to 52 feet;
 - c. A 600 foot extension of Brook Lane ending in a circular turnaround;
 - d. Eliminating secondary access from Burns Avenue and limiting access solely to Brook Lane, which will provide a single entrance, 40 foot wide way, including a 22 foot wide paved travel width with cape-cod berm, and one sidewalk;
 - e. Paving for the construction of a one or two car attached garage on each single-family lot;
 - f. Service of the project by municipal water and sewer, and
 - g. Intent to dedicate the roadway as a public way upon project completion.
18. The Board filed an opposition to the motion on September 2, 2022.
19. On January 11, 2023 the Housing Appeals Committee issued their Ruling on Notice of Project Change in which they denied the applicant's request for a determination that its proposed changes to the project were not substantial. The Housing Appeals Committee also granted the Board's request for remand.
20. Order of Remand was issued on January 26, 2023 with the stipulation that a public hearing and written decision regarding the applicant's project change would be conducted and completed within One Hundred Twenty (120) days of the date of the order of remand.
21. The remanded public hearing was opened on March 1, 2023, continued to April 5, 2023; April 26, 2023; May 8, 2023; and May 15, 2023.
22. At the May 15, 2023 meeting the Board voted to close the public hearing. After deliberation the Board would vote to conditionally approve the Notice of Project Change.

II. JURISDICTIONAL FINDINGS

23. The Applicant received a Project Eligibility Letter ("PEL") from MassHousing dated November 1, 2018 and submitted a copy to the Board with the original application. According to the PEL, the Applicant has demonstrated its eligibility

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to submit an application for a Comprehensive Permit to the Board, and the development fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1) as follows:

- a. The Applicant has formed a limited dividend entity, the Burns Avenue Development, LLC, which is a single-purpose entity created for the purpose of the Project. The Burns Avenue Development, LLC has a principal place of business of 2 Warthin Circle, Norwood, Massachusetts. The Applicant has agreed to conform to the limited dividend requirements of M.G.L Chapter 40B.
- b. The Applicant has included a copy of Purchase and Sale Agreements and certain deeds regarding the Property upon which the Board relies, in relevant part. According to the PEL, the Applicant has shown threshold evidence of site control sufficient to qualify as an Applicant for a Comprehensive Permit.
- c. The Applicant has agreed to execute a Regulatory Agreement that limits its total profit and directs the redistribution of excess profit in accordance with the regulations adopted by the Massachusetts Department of Housing and Community Development (“DHCD”).

III. FACTUAL FINDINGS

24. The Board issued a conditioned Comprehensive Permit to the Applicant for a 32-unit townhouse-style development, with one-point of access off of 48 Burns Avenue, on January 13, 2020.
25. The Applicant’s first attempt at modifying their approved Comprehensive Permit for the Residences at Burns Avenue through a Notice of Project Change was ultimately denied by the Board February 11, 2021 on the grounds that the Applicant refused to cooperate in providing peer review funding as required under 760 CMR 56.05(5)(a) and 760 CMR 56.05(5)(b).
26. The Applicant’s appeal of this decision and additional motions were ultimately denied by the Housing Appealing Committee as stated within their Ruling, dated November 8, 2021. On The Housing Appeals Committee order the case was remanded back to the Board to commence with a new public hearing to start no later than December 6, 2021.

27. The remanded public hearing was opened on December 6, 2021. At this public hearing the Board stated that they would seek a revised scope of work for peer review services from Tetra Tech which would generally focus on the proposed project changes specified in the notice of project change dealing with the second point of access on Brook Lane and the increase from 32 to 40 units.
28. Through the public hearing process additional revision of the project's site plan were needed that would exceed the completion timeline of the remand order. At the March 16, 2022 public hearing the Board and the Applicant agreed on an extension of the deadline to close the public hearing for the Notice of Project Change to May 18, 2022.
29. On the night of the May 4, 2022 public hearing, the Board received notice from the Applicant through an email at 8:45 P.M. that they wished to continue the public hearing until May 18, 2022 and extend a decision date to June 2, 2022. However, given the timing of the email (the May 4, 2022 meeting had already started at 7:00 P.M.), uncertainty of the email's contents (a decision date should be 40 days from the close of the public hearing, and June 2, 2022 would only be twenty-nine (29) days), and lack of any follow up or revised information from the Applicant from the previous public hearing on March 16, 2022, the Board ultimately made the decision to close the public hearing on May 4, 2022 in order to comply with regulatory time requirements to review and vote on a decision.
30. The Board denied the notice of project change on June 1, 2022 and the applicant appealed to the Housing Appeals Committee on June 15, 2022.
31. As previously addressed with the procedural history, on August 18, 2022, the applicant filed a notice of project change with the Housing Appeals Committee and a motion for the Committee to retain jurisdiction for review of the proposed project change. The Board filed opposition to this motion on September 2, 2022. On January 11, 2023 the Housing Appeals Committee issued their Ruling on Notice of Project Change in which they denied the applicant's request for a determination that its proposed changes to the project were not substantial. The Housing Appeals Committee also granted the Board's request for remand. Order of Remand was issued on January 26, 2023 with the stipulation that a public hearing and written decision regarding the applicant's project change would be conducted and completed within One Hundred Twenty (120) days of the date of the order of remand.

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32. The remanded public hearing was opening on March 1, 2023. At that hearing peer review was agreed to, again with Tetra Tech. The submitted plan with the revision date of October 20, 2022 plan would ultimately be revised twice to address comments received from town staff, the peer review agent, and the Board, with a final revision date of May 2, 2023.
33. At the May 15, 2023 meeting, the Board closed the public hearing and vote to conditionally approve the Notice of Project Change as addressed within this decision.

IV. CONDITIONS

A. **General**

- A.1 Except as may be provided for in the following Conditions or in the Final Plans referenced below, the Project shall be constructed substantially in conformance with the plans and drawings listed below in this Condition A.1, which for purposes of this Comprehensive Permit shall be considered the Approved Plans for the Project (“Approved Plans”). The Approved Plans consist of the following:

Amended Site Development Plan, A Comprehensive Permit M.G.L. c. 40B “The Residences at Burns Avenue, Walpole, Massachusetts”, prepared by GLM Engineering Consultants, Inc., 19 Exchange Street, Holliston, Massachusetts 01746, dated April 21, 2020, with revisions through May 2, 2023;

The Plan Set consisted of the following sheets:

Sheet 1 Cover
Sheet 2 Existing Conditions
Sheet 3 Lot Layout
Sheet 4 Layout
Sheet 5 Grading, Drainage & Utilities
Sheet 6 Profile Plan
Sheet 7 Erosion Control
Sheet 8 Details
Sheet 9 Details
Sheet 10 Details
Sheet 11 Details
Sheet 12 Details
Sheet 13 Details

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Sup-A Riverfront Existing Conditions
Sup-B Riverfront Area Disturbance
Sub-C Restoration and Planting Details

Preliminary Architectural Renderings by Morabito Architects, 121 Sully's Trail
Pittsford, NY 14534, dated February 2021

Sheet 1 Concept Plan 1 (2 bedroom) - Elevations
Sheet 2 Concept Plan 1 (2 bedroom) - Floor Plan
Sheet 3 Concept Plan 2 (3 bedroom) - Elevations
Sheet 4 Concept Plan 2 (3 bedroom) - Floor Plan
Sheet 5 Concept Plan 3 (2 bedroom) - Elevations
Sheet 6 Concept Plan 3 (2 bedroom) - Floor Plan

Landscaping Plan by Cosmos Associates, 5 Longview Street Natick, MA 01760,
dated November 23, 2020, revised February 2023

- A.2 The Applicant shall be a Limited Dividend Entity as required by Chapter 40B and it and its successors and assigns, shall comply with the limited dividend and other applicable requirements of Chapter 40B and the regulations adopted thereunder.
- A.3 The Project shall consist of not more than twenty (20) single-family dwellings.
- A.4 The Project provides a garage and driveway for each dwelling. There shall be four (4) parking spaces per dwelling, including the affordable dwellings. Each dwelling's garage shall safely and efficiently accommodate two (2) parked vehicles, and the each unit's driveway shall safely and efficiently accommodate two (2) vehicles, as conditioned herein.
- A.5 All residential units approved under this Comprehensive Permit shall be for-sale single-family dwellings, and not available for short or long term rental at any time. Affordable units shall be interspersed evenly throughout the Project, as approved by the Subsidizing Agency during Final Approval.

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- A.6 Pursuant to the revised Waiver List submitted to the Board and attached hereto as Exhibit A, the Applicant has requested, and the Board has granted, those waivers from the Walpole Zoning Bylaw and other local by-laws and regulations as specified therein. Some of the waivers granted by the Board have been granted conditionally, as set forth in Exhibit A. Those conditions are expressly incorporated by reference as conditions of approval to this Comprehensive Permit. No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§20-23, and no waivers of any requirements otherwise within the Board's jurisdiction under G.L. c.40B, §§20-23 have been granted except for those specifically granted by the Board as set forth in Exhibit A. To the extent the Approved Plans reflect a waiver not expressly granted in Exhibit A, the terms and conditions of Exhibit A shall govern. No waiver of building permit or inspection fees has been granted. Any subsequent revision to the Approved Plans, including but not limited to revisions that are apparent in the Final Plans that require additional or more expansive waivers of any local by-laws or regulations, must be approved by the Board in accordance with 760 CMR 56.05(11).
- A.7 The Project shall comply with all local regulations of the Town of Walpole and its boards, commissions and departments unless specifically waived herein.
- A.8 The Applicant shall copy the Board, through the Board Secretary and the Community and Economic Development Director, on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.
- A.9 Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents for approval by the Building Inspector or other Town Departments, the Building Inspector or applicable Department Head will use reasonable efforts to review and provide a written response within thirty (30) days following submission. For submissions that require assistance from an outside consultant, as determined by the Building Inspector or applicable Department Head, the thirty-day time period shall not begin until the consultant's fee has been fully funded by the Applicant.

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- A.10 The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers, or assigns its interest in the development, this Comprehensive Permit shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The limited dividend restrictions shall apply to the owner of the project regardless of sale, transfer, or assignment of the project.
- A.11 The sidewalks, roadway, utilities, drainage systems, and all other infrastructure shown on the Approved Plans as serving the Project shall remain private until and if accepted by the Town of Walpole as a public way. Until then, the Town of Walpole shall not have any legal responsibility for the operation or maintenance of the infrastructure.
- A.12 Unless otherwise indicated herein, the Board may designate an agent to review and approve matters on the Board's behalf subsequent to this Decision.
- A.13 The Applicant shall submit to the Board prior to any construction or site development activities (including site clearing, tree removal, grading, etc.) on the Site, whether or not pursuant to a building permit, the following
- a. A copy of this Comprehensive Permit recorded with the Norfolk Registry of Deeds
 - b. Final Architectural Plans, which shall be prepared, signed and sealed by an architect with a valid registration in the Commonwealth of Massachusetts.
 - c. A landscaping plan with the Final Plans, depicting the following:
 - a. Retain existing trees along property line;
 - b. Provide screening against abutting residential area by a mix of evergreen and deciduous trees and shrubs and solid fencing where appropriate. Do not plant large growing trees under over-head powerlines that are to remain.
 - c. Planting schedules listing the quantity, size, height, caliper, species, variety, and form of trees, shrubs, and groundcovers;
 - d. All proposed landscaping shall take place entirely within the project site;

- e. All plantings shall consist of non-invasive, drought-tolerant species;
and
 - f. Planting details for required buffer zones.
- d. Final Engineering Drawings and Plans (“Final Plans”) shall conform to the requirements of this Comprehensive Permit and incorporate the conditions herein. The Final Plans shall also incorporate all conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Plans shall be signed and sealed by the Professional Land Surveyor of record, and the Professional (Civil) Engineer of record. The Final Plans shall identify the ownership of all parcels or easements utilized within and abutting the project site. The Final Plans shall be submitted to the Board at least thirty (30) days prior to the anticipated date of commencement of building construction or submission of an application for building permits, whichever is earlier (the "Final Site Plan Submission Date").

At a minimum, the Final Plans shall be in accordance with the comments from the peer review consultant and town staff detailed during the course of the hearing. If no written response or comments have been given to the Applicant by the Board concerning the Final Plans within thirty (30) days after the Final Plan Submission Date, the Final Plans, as delivered, will be deemed to have been approved.

- e. As the project has now been designed as a subdivision, the applicant shall, comply with the applicable requirements M.G.L.c 41, §81U and locally, except as expressly waived in this decision, with the Walpole’s Subdivision Rules and Regulations. The Board shall act as the permitting authority in the security agreement with local consultation from the Town Engineer, and any other applicable municipal department. No waivers are granted from the requirements of Walpole’s Subdivision Rules and Regulations that are beyond the purview of G. L. c. 40B, §§20-23, and no waivers have been granted other than those set forth in Exhibit A. The applicant shall address any requirement not expressly included in the waivers, this decision, or as addressed within the Comprehensive Permit application process.

B. Affordability

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- B.1 A minimum of 25% of the home ownership dwellings shall be low- or moderate-income units, meaning that they shall be sold to, and occupied by, households whose income is not more than 80% of the Area Median Income (“AMI”), as determined by the United States Department of Housing and Urban Development (“HUD”) and DHCD (“Affordable Units”). Affordable units shall be dispersed throughout the Project in accordance with the guidelines of the Subsidizing Agency. The Applicant shall be responsible for maintaining records sufficient to comply with DHCD guidelines for the location of Affordable Units in the Project and occupancy of such Units by income-eligible households.
- B.2 Upon completion of the Project, and in perpetuity at least five (5) units shall meet the criteria for inclusion in the DHCD’s Subsidized Housing Inventory.
- B.3 The Applicant shall obtain approval by the Subsidizing Agency of an affirmative fair housing marketing plan prior to the sale of any units, and shall ensure that the Project complies with the Subsidizing Agency’s fair housing requirements.

C. Submission Requirements

- C.1 Prior to any construction or site development activities (including site clearing, tree removal, grading, etc.) on the Site, whether or not pursuant to a building permit, the Applicant shall:
 - a. Deliver to the Board a check for Five Thousand and 00/100 Dollars (\$5,000.00) to be used for the Board to retain outside experts for technical and legal reviews and inspections required under these conditions. Said funds shall be deposited by the Board in an account pursuant to G.L. c. 44, s. 53G and shall only be used for technical reviews and inspections associated with this project. Any unspent funds shall be returned to the Applicant with accrued interest at the completion of the project. If at any time the ZBA reasonably determines that there are insufficient funds to cover the costs of technical reviews, it shall inform the Applicant and the Applicant shall forthwith deliver additional funds as specified by the ZBA in a reasonable amount as may be determined by the ZBA. Said funds may be used by the ZBA to hire civil engineering, architect, traffic engineering, accounting, and/or other professionals that the ZBA deems reasonably necessary to ensure compliance with the conditions hereof.
 - b. Obtain a National Pollution Discharge Elimination System (NPDES)

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Permit from the U.S. Environmental Protection Agency (EPA), if necessary. The Board shall also be provided a copy of the SWPPP submitted along with the NPDES filing.

- c. Provide the Board with recording information documenting the fact that the Superseding Order of Conditions for the Project issued by the Massachusetts Department of Environmental Protection (MassDEP) dated October 26, 2022 has been recorded in the Norfolk Registry of Deeds and that all appeals have been exhausted.
- d. Determine the volume of cuts/fills needed for the Project and provide such information to the Board, signed by the Registered (Civil) Engineer of record.

- e. A construction management plan shall be submitted to the Building Inspector for review and approval, including, but not limited to, dust control measures, fill delivery schedules, stockpiling areas, and like matters. The Applicant shall conform to all local, State, and Federal laws regarding noise, vibration, dust, and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Adequate provisions shall be made by the Applicant to control and minimize dust on the site during construction in accordance with the construction management plan. The Applicant shall keep all portions of any public way used as access/egress to the Project free of soil, mud or debris deposited due to use by construction vehicles associated with the Project and shall employ water based street sweeping so as to avoid clouds of dust in and around the public ways and surrounding neighborhood. During the construction process an up-to-date Material Safety Data Sheet must be kept on site with any materials brought on site and used on site by the construction team. The Applicant shall also include in its construction management plan, a plan for ensuring health and safety concerning disturbance and stockpiling of potentially contaminated soils on site, including a plan for sampling, testing, and covering disturbed and stockpiled soils and materials on site and/or transfer off-site, in accordance with state statutory and regulatory law. Other than site work and such other work as may be authorized in writing by the Building Inspector, no other construction of units shall commence and no building permits shall be issued under this Comprehensive Permit until the Building Inspector, in consultation with the Board's agent, have approved the Final Plans as being in conformance with this Decision. If no written response or comments have been given to the Applicant by the Building Inspector concerning the Final Site Plans within thirty (30) days after the Final Site Plan Submission Date, the Final Plans, as delivered, will be deemed to be consistent. The construction management plan shall also provide a 24-hour contact person for the Applicant who will be available to respond to local officials or area residents reporting issues or problems which may arise during construction. Applicant shall also make the following submissions:
1. Submit to the Building Inspector a construction schedule outlining the entire development of the Project.
 2. Submit to the Board a Site-Specific Safety Plan including but not limited to emergency contacts information for the job team, muster point for emergency personnel, emergency response plan, sign-in

area for all site visitors, designated employee parking area, and designated fueling area. All employees on site shall be responsible for understanding the plan and at any point during the construction process and shall be checked by the building inspector for compliance of all site personnel.

- C.2 Prior to the issuance of any building permits, the Applicant shall:
- a. Submit to the Board and the Building Inspector evidence of Final Approval from the Subsidizing Agency (MA Department of Housing and Community Development) (“DHCD”), as required by the Project Eligibility letter and the Chapter 40B regulations.
 - b. Submit to the Board and the Building Inspector a certified copy of the Regulatory Agreement and Monitoring Services Agreement for the Project. Execution and recording of such Regulatory Agreement and subsidy funding commitment by MassHousing or an approved New England Fund lender shall be complete prior to the issuance of any building permit.
 - c. Submit for a sign application, as applicable, to the Building Inspector and include location and details of any sign to confirm its compliance with this Decision, unless otherwise waived.
 - d. Submit all Final Plans to the Board for their review and approval.
 - e. Obtain and file with the Building Inspector a copy of all required Federal, State, and local permits and approvals required to begin construction of the Project.
 - f. Obtain all necessary electrical, plumbing, and other permits required to begin construction on the building for which the building permit is sought.
 - g. The Applicant shall provide security in an amount acceptable to the Town consistent with the provisions of M.G.L.c.41.sec.81U. Said security shall be established with Town Counsel and reviewed with the Town Engineer. Project features to be under security include the “Infrastructure” as defined under condition I.1., as well as funds needed for emergency sediment control, site stabilization and restorative landscaping.

D. Construction Completion/Certificate of Occupancy

- D.1 Prior to issuance of a certificate of occupancy for any portion of the Project, the Applicant shall:
- a. Seek reduction or release of security as defined within M.G.L.c 41, § 81U.
 - b. Follow standard Subdivision procedure, defined locally within Subdivision Rules and Regulations Section III-14 Conveyance of Utilities and Easements to the Town, and Section III-15 Certification of Monuments, As-Built Plans, and Street Acceptance Plans. The Board shall act in place of all other local boards in manners dealing with the Subdivision components of the project.
 - c. Submit engineer's interim certification of compliance with utilities plan and profiles (as applicable) to the Walpole Building Inspector.
 - d. Provide a letter to the Board, signed by the Applicant's civil engineer, certifying that the as-built Project has been constructed in compliance with the Final Plans in all material respects, or noting where there are differences.
 - e. Obtain acceptance from the Walpole Fire Department of testing of all fire smoke alarms within the dwelling units and that all fire hydrants are in place at proper grade and functioning.
 - f. Prior to the first occupancy agreement for the first unit, submit to the Board's counsel the "Home Owners Association" documentation providing evidence as to the maintenance of lots defined on the Approved Plans as "Lots A & B". Such documents shall incorporate all the conditions of this Decision, as applicable.
 - g. As-built plan of the infiltration basin shall be provided to the Conservation Commission and reviewed by the Town Engineer no later than 30 days after completion of the final grades.

- f. Certification from the Town's DPW Water and Sewer Department that all sewer and water systems have been installed, tested, and that all valve covers and other related items are at grade and are in proper working condition.

E. Project Design and Construction

- E.1 Prior to the commencement of any work on the site, the Applicant and the site general contractor shall attend a preconstruction conference with the Building Inspector and other Town staff as may be determined. If Applicant has obtained a demolition permit, Applicant may proceed with demolition of existing structures in accordance with the terms and conditions of the permit.
- E.2 The Applicant shall not conduct any blasting operations. The Applicant shall permit representatives of the Board to observe and inspect the Site and construction progress until such time as the Project has been completed.
- E.3 The Applicant shall permit, upon a 48-hour notice, subject to applicable safety standards, representatives of the Board to observe and inspect the Site and construction progress until such time as the Project has been completed.
- E.4 The proposed construction shall be in accordance with applicable Federal and State laws, rules and regulations.
- E.5 All site retaining walls that are four (4) feet or greater in height shall be designed by a Massachusetts Professional Structural Engineer.
- E.6 During construction, the Applicant shall comply with the construction management plan referenced in Condition C.1.(e)., above.
- E.7 Appropriate signage shall be shown on the Final Plans. The Applicant has requested certain waivers from the Town of Walpole Bylaws regarding signs, in particular that real estate signage for property currently for either sale, rent, or lease shall be up to thirty (30) square feet. Such real estate signage shall be located only within the project site and along the proposed new roadway. All other sign regulations shall be abided by.

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- E.8 The location of all utilities, including but not limited to electric, telephone, and cable, shall be provided to the Board prior to the issuance of any building permits shown on the Final Plans. All other electric and telecommunication system components shall be submitted to the Board prior to the issuance of any building permits.
- E.9 The Applicant shall use natural gas for the Project, if reasonably available at the time of the submission of Final Plans. Gas service locations shall be included on the Final Plans.
- E.10 Lighting shall comply with specification provided by the Town Engineering Department. Lighting features include, but are not limited to, light poles, base's, & luminaires.
- E.11 Utilities, including but not limited to telephone, electric, and cable, shall be located underground from the last existing pole on Brook Lane.
- E.12 Soil material used as backfill for pipes, access drives, or structures shall be certified by the Project Engineer to the Building Inspector as meeting design specifications, as applicable.
- E.13 Construction activities shall be conducted between the hours of 7:00 A.M. and 7:00 P.M. and in accordance with the Town of Walpole General Bylaws
- E.14 Burning or burial of construction or demolition debris on the site is strictly prohibited. All such materials are to be removed from the site in accordance with applicable law, and Applicant shall provide manifests/bills of lading to the Town certifying the removal of any waste or contaminants from the Project site. The Applicant shall also include a dumpster location and management plan for approval by the Building Inspector prior to commencement of work at the site including a dumpster emptying and removal protocol from a duly licensed and insured private contractor approved by the Building Inspector. During construction, the site shall be secured against unauthorized entry or vandalism by construction security fencing, and all construction materials shall be stored or stockpiled in a safe manner.

- E. 15 A temporary 36-foot by 10-foot construction trailer is being proposed by the Applicant. The Applicant shall identify the proposed location on site of this construction trailer for the Building Inspector's approval. The Applicant shall renew the building permit for the construction trailer every six (6) months for a maximum of five (5) extensions. Any floodlights used during the construction period shall be located and directed so as to prevent spillover or illumination onto adjacent properties, and the location of said trailer shall be placed in a reasonable location so as to not disturb the existing homes on Brook Lane.
- E.16 No building areas shall be left in an open, unstabilized condition longer than sixty (60) days. Temporary stabilization shall be accomplished by hay bales, hay coverings or matting. Final stabilization shall be accomplished by paving or loaming and seeding exposed areas. All 2:1 slope areas shall be permanently stabilized with rip rap or vegetated cover.
- E.17 All retaining walls visible from a public way or direct abutters, as determined by the Building Inspector based upon the time of year when such walls would be most visible, shall be constructed in an aesthetic manner. Specifically, retaining walls shall avoid the use of exposed concrete to the greatest extent practicable.
- E.18 Snow shall be stored within the areas of the site designated on the Approved Plans. To the extent snowfall exceeds the capacity of the designated snow storage on the site, the Applicant shall truck the excess snow off-site.
- E.19 The Applicant shall comply with all applicable state and federal requirements relating to noise from construction activities, including the regulations contained at 310 CMR 7.10 and the DEP's Noise Policy contained in DAQC Policy 90-001. The Applicant shall also implement all necessary controls to ensure that vibration from construction activities does not constitute a nuisance or hazard beyond the Property. Upon notification from appropriate municipal officials, the Applicant shall cease all construction activities creating noise in excess of state and federal standards, and shall implement such mitigation measures as is necessary to ensure the construction activity will comply with applicable State and Federal requirements.
- E.20 The Applicant is responsible for the sweeping, removal of snow and sanding of the roadways and driveways providing access to residents of the Project, as well as emergency vehicles.

- E.21 The Applicant shall maintain all portions of any public road, whether state or local roads, used for access to the Property by construction vehicles, free from soil, mud or debris deposited due to such use during the duration of construction.
- E.22 All construction vehicles shall be parked on the Property. No construction equipment can be staged on Burns Avenue, Brook Lane, or any other public way. Temporary signage shall be utilized stating “No Construction Access to Burns Avenue” or similar language at the end of the proposed cul-de-sac and at the entrance from Pleasant Street to Burns Avenue.
- E.23 Prior to the commencement of any work on the site, the Applicant and the site general contractor shall submit a plan indicating soil, debris, and other deleterious materials to be removed as well as materials to be brought into the Property including soil, stone, gravel, pipe, drainage structures, riprap, sand, loam, mulch, etc. The plan shall also include provisions securing the site so that children are kept out of the site and are protected against unsafe conditions. Estimated quantities of said materials shall be provided as well as estimated delivery schedule for the benefit of the residents of Burns Avenue and Brook Lane. If Applicant has obtained a demolition permit, Applicant may proceed with demolition of existing structures in accordance with the terms and conditions of the permit.
- E. 24 Prior to the commencement of any work on the site, the Applicant and the site general contractor shall submit a dust mitigation plan and air quality management plan to the Building Inspector. Water must be used to mitigate any dust caused by rock crushing, soil sifting, or any other dust creating operation.
- E.25 Construction security fencing shall be utilized at least until the first occupancy permit is issued to ensure the safety and security of the site for the benefit of the surrounding neighborhood and the Applicant. Six (6) foot tall chain-link fencing shall be utilized with access gate at the entrance of the site. Walpole Fire Department shall have a knox box placed accessible at the entrance to the gate during the construction process. A security contractor shall be utilized to open and close the site daily and confirm/mandate the hours of operation for the site personnel.

- E.26 A proper truck pad shall be created and maintained at the entrance to the site, off of Brook Lane, to wash and diminish the tracking of any debris from the site onto Brook Lane. The construction team shall sweep Brook Lane every day at the completion of work. This shall continue until the final layer of pavement is installed on Brook Lane.
- E.27 All construction equipment must be off-loaded on the construction site by means of the stabilized construction entrance at Brook Lane. No equipment or material shall be off-loaded on either Brook Lane or Burns Avenue themselves.
- E.28 The Applicant shall submit a trucking routes plan, subject to the review and approval of the Town Engineer.

F. Roadway and Traffic Safety Conditions

- F.1 Access and egress to the Project site shall be consistent with the Approved Plans.
- F.2 The Final Plans shall show the roadway as a two-way road.
- F.3 At the completion of construction activity, the Applicant shall repave the entire length of Brook Lane in compliance with Town standards. A leveling course of bituminous concrete will be required from curb to curb for the entire existing street and driveway aprons will be tied in unless not required after the overlay, as determined by the DPW.
- F.4 The extension of Brook Lane shall be twenty-six (26) feet wide with one (1) foot bituminous Cape Cod style berm on each side of the new roadway, with the exception of the project's radii which shall be granite curbing. A one (1) foot grass strip will be maintained between the proposed new sidewalk and roadway.
- F.5 The extension of Brook Lane shall be constructed to Town Construction Standards, as detailed in the Town's Subdivision Rules and Regulations for an accepted Town street, except for where relief has been provided for within the Waivers. The pavement binder shall be installed prior to issuance of the first building permit for the Project.
- F.6 The sidewalk within the extension of Brook Lane shall be a minimum of five (5) feet wide.

- F.7 As addressed within the Applicant's traffic review, there shall be the installation of a "STOP" sign and markings on the Brook Lane approach to Union Street, and a "NOT A THRU WAY" sign on Brook Lane within one hundred-fifty (150) feet of Union Street. ADA compliant curb ramps with detectable warning panels shall also be constructed on the corner roundings at Union Street.
- F.8 ADA complaint ramp shall be installed at the end of the sidewalk in front of proposed Lot 12.
- F.9 Applicant shall maintain the sight distance at the Union Street and Brook Lane intersection by trimming vegetation within the Town way. The sight distance shall be maintained under the Town Engineer's supervision.
- F.10 All stop signs to be installed shall be consistent with the current Manual on Uniform Traffic Control Devices standards and guidelines.
- F.11 Applicant shall install a marked crosswalk and a stop bar across the Brook Lane approach to Union Street, if permitted by the police department. The crosswalk shall be 10 feet wide and the crosswalk pavement markings shall be parallel lines (width at one foot). The stop bar shall be installed a minimum of four feet behind the crosswalk.
- F.12 The Board does not approve of the removal of the existing cul-de-sac on Brook Lane as depicted within the Approval Plans. Final Plans must show the existing cul-de-sac remaining unaltered, with the exception of such work needed to tie-in the proposed roadway extension.
- F.13 The Applicant, in coordination with the Police Department and Public Works, shall incorporate signage with a speed limit of fifteen (15) miles-per-hour within the extension of Brook Lane.

G. Police, Fire, and Emergency Medical Conditions

- G.1 Pursuant to the Massachusetts Comprehensive Fire Safety Code, 527 CMR 1, 18.1.1.5, Applicant shall submit to the Fire Department a fire apparatus access plan signed and stamped by a registered professional engineer which shows to the fire chief and deputy chief's satisfaction that there is a turning radius in and out of the Project sufficient for fire truck access and clearance of the bucket portion of

the aerial apparatus of the truck, and that the proposed hammerhead at the end of Burns Avenue be included in the turning radius analysis, and be designed so as to provide sufficient turnaround diameter for fire truck and fire truck apparatus. The plan must also show compliance with 18.2.3.4.8, to the fire chief and deputy chief's satisfaction, which prohibits use of the opposite travel lane in the design of all new fire apparatus access roads.

- G.2 Applicant shall work with the Fire Department concerning the location of the fire hydrants.

H. Water, Septic, Stormwater and Utilities

- H.1 The Applicant shall be responsible for the design and installation of the utilities servicing the Project.
- H.2 All water infrastructure shall be installed in conformance with the Town of Walpole's requirements. The Applicant shall consult with the DPW Water and Sewer Department prior to the commencement of construction.
- H.3 Fire hydrants shall be placed as shown on the Approved Plans in locations approved by the Walpole Fire Department. If the Walpole Fire Department approves different hydrant locations, such modification shall be accepted as an insubstantial change pursuant to 760 CMR 56.05(11).
- H.4 The Applicant shall submit information regarding the size of the domestic services as part of Final Plans, after consultation with the Water Department.
- H.5 All water and sanitary sewer improvements necessary to serve the Project must be completed, and interim as-built plans must be submitted to and approved by the DPW Water / Sewer Department, before any occupancy permits for the Project may be issued.
- H.6 Stormwater management facilities shall be constructed as shown on the Final Plans.
- H.7 The area of infiltration systems shall be excavated to remove fill down to natural soils and shall be witnessed by an agent of the Town prior to the installing crushed stone and the underground infiltration system.

H.8 Utilities shall be installed underground from the last existing pole on Brook Lane. Utilities shall be defined as electric service lines, telephone lines, water service lines, sewer lines, CATV lines, municipal conduit and the like.

H.9 The Walpole Conservation Commission Conditions:

- a. Prior to requesting a Certificate of Compliance, the applicant shall demonstrate that the 25-foot buffer zone restoration as shown on the plan referenced *Restoration and Planting Details* (SUP B and C) has been successfully completed for at least two growing seasons.
- b. The 25-foot buffer zone restoration area shall be excavated and planted as per SUP-B and C.
- c. An As-built plan of the detention basin with grades including inlet and outlet structures, and bottom and top of the basin shall be approved by Town Engineer prior to discharge from the catch basins.
- d. Future development of the remaining non-degraded riverfront area is prohibited.
- e. Future development of restored 25-foot buffer zone shall be prohibited.

I. Completion of Infrastructure:

I.1 As security for completion of the infrastructure shown on the Final Site Plans, including, but not limited to the roadways including the entire paving of Brook Lane, sidewalks, stormwater management system, lighting, water and sewer systems, applicable landscaping and utilities (collectively the “Infrastructure”), the Applicant shall provide security consistent with the provisions of M.G.L. c 41, § 81U. No occupancy permit for a dwelling shall be issued until the extension of Brook Lane has been installed, excepting the final course of pavement.

J. Other General Conditions

J.1 In accordance with 760 CMR 56.05(12)(c), If construction authorized by a Comprehensive Permit has not begun within three years of the date on which the permit becomes final except for good cause, the permit shall lapse. This time period shall be tolled for the time required to pursue or await the determination on any appeal on any other state or federal permit or approval required for the Project.

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- J.2 The Applicant shall comply with all local regulations of the Town of Walpole and its boards, commissions, and departments unless specifically waived herein or as otherwise addressed in these conditions.
- J.3 This Decision prohibits the parking or storage of any unregistered vehicle on the site, and likewise prohibits the service of any vehicles on the site, except during construction.
- J.4 Trash and recycling shall follow standard town protocols and be picked up curbside at the end of each dwelling's driveway. There shall not be a common dumpster.
- J.5 The proposed mailbox for the development shall be moved from its current location on the Approval Plans, to a suitable location completely within the project site, and to be identified within the Final Plans.
- J.6 The Applicant shall be responsible for sweeping Brook Lane, permitting access to residents and emergency vehicles during construction
- J.7 The landscaping, identified within Supplemental Sheet C of the Approved Plan shall be maintained in perpetuity by the Home Owners Association. Dead or diseased plantings shall be replaced within six (6) months in accordance with growing and weather conditions.
- J.8 If any default, violation or breach of these conditions by the Applicant is not cured within thirty (30) days after notice thereof (or such longer period of time as is reasonably necessary to cure such a default so long as the Applicant is diligently and continuously prosecuting such a cure), then the Town may take one or more of the following steps: (a) by mandamus or other suit, action or other proceeding at law or in equity, require the Applicant to perform its obligations under these conditions; or (b) take such other action at law or in equity as may appear necessary or desirable to enforce these conditions. If the Town brings any claim to enforce these conditions, and the Town finally prevails in such claim, the Applicant shall reimburse the Town for its reasonable attorneys' fees and expenses incurred in connection with such claim.

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DECISION

In consideration of all of the foregoing, including the plans, documents and testimony given during the public hearing, the Board hereby grants the Applicant a comprehensive permit for the construction of twenty (20) home ownership single-family dwellings, at least five (5) of which will be affordable pursuant to Chapter 40B, §§ 20-23, for the development described above.

SIGNATURE PAGE TO FOLLOW

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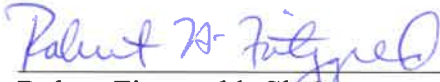
RECORD OF VOTE

The Board of Appeals voted, at its public meeting on May 15, 2023, on a motion from Mr. Hoegler, and seconded by Mr. Fitzgerald to approve the Notice of Project Change as written within the decision subject to minor edits.

The Board voted 4 in favor and 1 opposed to issue this decision approving the Notice of Project Change.

(Lee-nay, Delaney-aye, Fitzgerald-aye, Major-aye, Hoegler-aye)

On May 15, 2023, the Board voted to authorize Robert Fitzgerald, Clerk to sign the decision on behalf of the Board.



Robert Fitzgerald, Clerk

Date:

Filed with the Town Clerk on May 17, 2023.



Town Clerk

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.

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Exhibit “A” – Waivers

Pursuant to the Waiver List revised and submitted to the Board, the Applicant has requested, and the Board has granted, waivers from the Walpole Zoning Bylaws and other local by-laws and regulations as specified in the attached Exhibit A. No waivers are granted from requirements that are beyond the purview of G. L. c. 40B, §§20-23, and no waivers have been granted other than those set forth in Exhibit A.

Requested Waivers as of May 4, 2023

SECTION	DESCRIPTION	WAIVER	NOTES
Walpole Subdivision Rules and Regulations			
40A Rules and Regulations and Section 2 of the Zoning Bylaws	As an affordable housing development, the applicant seeks approval of the project under M.G.L. Chapter 40B and will comply with the Board's 40B Rules and Regulations (unless otherwise requested)	40A Rules and Regulations and Section 2 of the Zoning Bylaws	N/A
Subdivision Fee Schedule	Definitive Subdivision - \$1,500 plus \$1,500 per lot (with preliminary filing) - \$3,000 plus \$1,800 per lot (without preliminary filing)	No Fees	APPROVED
III-1 Subdivision to the Planning Board – Definitive Subdivision Plan	Municipal System Impact Analysis, Municipal Systems (Water, Sewer, Storm drain and connecting street construction adequacy) Analysis	No Municipal Systems Impact Analysis	APPROVED
Section IV-2 Dead-End Street (a), (b), (c)	<p>a) Dead-end streets, shall not exceed seven hundred fifty (750) feet in length</p> <p>b) No street or system of streets in a proposed subdivision may continue an existing dead-end street so that on its completion the total length of the dead-end street exceeds seven hundred and fifty (750) feet</p> <p>c) Dead-end streets shall be provided with cul-de-sacs at the closed end with a turnaround having an outside street line diameter of a least one hundred and hour (104) feet</p>	<p>Allow dead-end street to exceed seven hundred fifty feet (750) in length – proposed 845 feet</p> <p>Allow cul-de-sac at the closed end with a turnaround having on outside street line diameter of ninety-four (94) feet</p> <p>Allow turnaround pavement diameter of eighty-two (82) feet</p>	APPROVED
Section IV-3(a) – Street Alignments	The minimum radii of the inner street line for local street shall be 150 feet	Allow radii of sixty-six (66) feet and eighty (80) feet	APPROVED
Section IV-5-Width and Grade of Streets	(a) The minimum width of street right-of-way for Type A and Type B (one-family) subdivisions shall be as follows: Local Streets: forty-six (46) feet, Primary Streets: forty-six (46) feet	Allow street right of way width of forty (40) feet	APPROVED
Section IV-8-Lots	(a) All lots shown on the Plan shall comply with the area, width, and frontage requirements of the Zoning Bylaw of the Town of Walpole	Allow lots shown on the plan	APPROVED
Section V-1 – General	(e)All electrical (Primary	Allow primary conduit to	APPROVED

SECTION	DESCRIPTION	WAIVER	NOTES
	<p>circuit) primary conduit within the right-of-way of all proposed streets shall be placed and packed in a concrete envelope, meeting the requirements of the Town of Walpole wiring inspector. It shall be the responsibility of the Applicant to assure that all underground electrical conduit within the right-of-way of all proposed streets is inspected by the wiring inspector prior to backfill</p>	<p>within the right-of-way not to be packed in concrete.</p>	
<p>Section V-6(a)-Roadway</p>	<p>(a) Roadways shall be constructed for the full length of all streets within the subdivision. The centerline of such roadways shall coincide with the centerline of the street rights-of-way. The minimum paved width of roadways shall be as follows: Local streets: twenty-six (26) feet, Primary streets: thirty (30) feet.</p>	<p>Allow minimum paved roadway width for local street of twenty-two (22) feet.</p>	<p>DENIED See condition: F.4</p>
<p>Section V-7(a)(b)(c) and (d) – Curb and Gutters</p>	<p>(a) In all subdivisions, Type SA (sloped granite edging) shall be furnished and installed in accordance with Section M9 of the 1988 Mass. DPW Standard Specifications for Highway and Bridges. The sloped granite edging shall be inspected continuously along the edge of the entire roadway(s) except as described in paragraphs (b) and (c) below.</p> <p>(b) In all subdivisions granite curb Type VA-4 shall be installed at intersections and at entrances and exits or cul-de-sacs along the circumference of the roadway for the full length of the rounded curve plus a straight section at each end at least six (6) feet long. Granite curb Type VA-4 shall</p>	<p>Allow cape cod berm throughout</p>	<p>APPROVED IN PART See condition: F.4</p>

SECTION	DESCRIPTION	WAIVER	NOTES
	<p>also be required along the full outside circumference of the roadway of all permanent cul-de-sacs.</p> <p>(c) six (6) foot granite transition stones are to be installed where granite curbing meets existing roadway that do not have berms or curbing or anywhere that curbing ends for any reason. Two (2) foot transition stone are required at all sidewalk ramps.</p> <p>(d) Granite curbing edging required hereunder, unless otherwise noted, shall be acceptable to the Walpole Planning Board and such curbing and any valley gutters shall conform to the written specifications of the Engineering Department of it none, shall be in accordance with current practices of the Town where such facilities are installed in Town ways.</p>		
Section V-8(a)-sidewalks	(a) Sidewalks shall be constructed on both sides of the roadway in all streets in a Type B subdivision	Allow one sidewalk	APPROVED
Section V-9 – Grass Plots	(a) A grass plot shall be provided on each of the roadways, having a minimum width as follows: Local Streets: three (3) feet Primary Streets: four (4) feet	Allow 2-foot grass plot between sidewalk and roadway/cape cod berm	APPROVED IN PART See condition: F.6
Walpole Zoning Bylaws			
Section 5-F.E	Authorization for temporary building or structure for greater than 180 days	Allow 36'x10' construction trailer/sales office for a period of 24 months during construction of the project without a special permit	APPROVED See condition: E.15
Section 6-B.1.C.	Allow a building to be nearer to the line of a street than the "required Setback Distance" or nearer to the side lines of its	Allow front setback distance of all buildings to have a minimum street-line setback of 18-feet as shown on the	APPROVED

SECTION	DESCRIPTION	WAIVER	NOTES
	lot than the “required Side Yard Width” or nearer to the rear line of its lot than the “Required Rear Yard Depth,” as specified in the chart in Section 6-B for the district in which the lot is located (General Residence District)	plan. Allow front setback distance of Lot 11 to have a minimum street-line setback of ten (10) feet. Allow rear yard setback of to be fifteen (10) feet.	
Table 6-B.1	<u>General Residence District</u> Minimum Lot Frontage: 100’ Front Setback: 30’ Rear Yard Setback: 30’ Side Yard Setback: 10’ Minimum Required Lot Area: 15,000 S.F. Maximum Lot Coverage-Buildings: 30% Maximum Lot Coverage-Total Impervious: 50%	Waive compliance with requirements in a General Residence District as follows: 1. Allow Minimum Frontage of 36-feet 2. Allow Minimum Front Setback distance of 18-feet 3. Allow minimum rear year setback of 10-feet for buildings/8-feet for decks 4. Allow minimum side yard setback of 5-feet 5. Allow minimum required lot area of 2,7000 S.F. or as shown on the Plan 6. Allow maximum lot coverages: Buildings, 45%/Total Impervious 60%	APPROVED IN PART *With the exception of 8-foot setback for dwelling decks
Section 6-C.11	Uncovered and/or unenclosed porches, decks, platforms, landings or stoops, which are part of a required egress, shall not encroach more than forty-eight (48) inches into the setbacks.	Allow rear decks to encroach up to 24-inches beyond that permitted into the setbacks and allow front landings or stoops to encroach up to 48-inches beyond that permitted into the setbacks.	WITHDRAWN
Section 7.3.G.	Real Estate signs of ten (10) square feet or less in surface area for property currently for sale, rent or lease	Permit real estate sign of not more than thirty (30) square feet in surface area for property currently for sale, rent or lease	APPROVED IN PART See Condition: E.7
Walpole General Bylaws			
Chapter 499 Stormwater Management – Article II Erosion Control –subsection 499-16	Applicability	Waiver applicability to this development. Stormwater management design shall be in compliance with the Massachusetts DEP Stormwater Management Standard and Stormwater Policy Handbook.	APPROVED
Regulations-Part III (approved	Stormwater Management	Waiver requirement.	APPROVED

SECTION	DESCRIPTION	WAIVER	NOTES
11/14/2007 and revised 6/26/2019)	Plans	Stormwater management design shall be in compliance with Massachusetts DEP Stormwater Management Standards and Stormwater Policy Handbook	
Section 1.2	Protected resource areas	Protected resource areas shall be as defined in the Massachusetts Wetlands Protection Act and the Regulations at 310 CMR 10.00	APPROVED
Section 1.3	Bordering Lands (aka Buffer Zone)	Lands within 100 feet of any other resource areas listed shall not be regulated as a resource area, allow this buffer zone area to be regulated in accordance with the Massachusetts Wetlands Protection Act and the Regulations at 310 CMR 10.00	APPROVED
Section 1.4.1	No Alteration Zone	No alteration zone – not applicable. This buffer zone is to be regulated in accordance with the Massachusetts Wetlands Protection Act and the Regulations at 310 CMR 10.00	APPROVED IN PART See condition: H.9
Section 2.3.2	Fees	Waive all fees required under the Wetland Protection Bylaw Regulations	APPROVED
Water, Article III, Section N	Water Entrance Fees	Waive all entrance and system development fees for each unit	DENIED
Sewer, Article II, Section C	Sewer Entrance Fees	Waiver all residential sewer connection fees for each unit.	DENIED
Sewer, Article, IV, Section D	Inflow and Infiltration Fees	Waiver inflow and infiltration fee for each unit	DENIED
Building Permit Fees	All associated building permit fees	Waive building permit fee on all affordable units.	DENIED