

**DARWIN COMMONS
STATEMENT OF COMPLIANCE
SECTION 12 – WALPOLE ZONING BYLAWS
WATER RESOURCE PROTECTION OVERLAY DISTRICT
PREPARED BY – WALL STREET DEVELOPMENT CORP.
FEBRUARY 5, 2024**

The Walpole Zoning Bylaws (the “Bylaw”) in Section 12 establishes the Water Resource Protection Overlay District (“WPROD”). Darwin Commons (the “Project”) is located in the Residential B zoning district. The WPROD permits the following uses:

- A. Uses Allowed by Right,
- B. Prohibited Uses, and
- C. Uses requiring Special Permit from the Zoning Board of Appeals or Planning Board.

Section 12.3.C provides an outline of uses permitted in the WPROD with the issuance of a Special Permit by either the Board of Appeals or the Planning Board.

The Project will result in an impervious surface more than 15% of the lot area. As such, the project requires a special permit pursuant to Section 12.3.C. (5) which provides that “Any residential use that will render impervious more than 15% or 2,500 ft² of the lot, whichever is greater.”

Pursuant to Section 12.4 provides procedures for the issuance of Special Permits, specifically Section 12.4.A. (1) – (12) establishes specific materials, documentation, and criteria to submit with an application for Special Permit. In addition, Section 12.4.C. states that a Special Permit may be granted if it is found that the proposed use:

- (1) Complies with applicable performance and/or design criteria in Section 12.3.C of the Zoning Bylaw;
- (2) Will not, during construction or thereafter, have an adverse environmental impact on any water body or course in the district; and
- (3) Will not adversely affect an existing or potential water supply.

As provided in Section 12.4.A. outlined below is the list of materials that must be submitted in connection with the application which are listed as follows, along with the measures in compliance with the Bylaw:

1. All requirements for Full Site Plan Review as listed in Section 13 of the Zoning Bylaw, only if a Site Plan is required. One-family, two-family, and three-family dwellings as defined in Section 14.2. of this Zoning Bylaw shall be exempt from the requirements for Full Site Plan Review as listed in Section 13 of the Zoning Bylaw. An applicant for a Special Permit may apply for waivers from specific Site Plan Review requirements that may not be relevant to the proposed use.

Response No. 1:

All plans, reports and other information have been filed as outlined in Section 13 – Site Plan Review.

2. A list of applicable Special Permit trigger(s) associated with the use as identifiable in Subsection 12.3.C of this Bylaw.

Response No. 2:

Section 12.3.C. (5) - Any residential use that will render impervious more than fifteen percent (15%) or two thousand five hundred (2,500) square feet of any lot, whichever is greater;

3. A complete list of all chemicals, pesticides, fuels, and other potentially toxic or hazardous materials to be used or stored on the premises in amounts greater than normal household quantities;

Response No. 3: As a residential development there will not be any chemicals, pesticides, fuels, or any other potentially toxic or hazardous materials stored on sight greater than normal household quantities.

4. A description of measures proposed to protect all storage containers/facilities from vandalism, corrosion, and leakage, and to provide for control of spills;

Response No. 4: As a residential development, all refuse and household waste will be stored in proper waste containers and kept indoors until the day of scheduled curbside pick-up.

5. A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal methods;

Response No. 5: There will not be any toxic or hazardous waste generated or stored on the property. The development will be service by municipal water and sewer, as well as natural gas.

6. A plan showing the storage location and, where storage is indoors, approximate floor elevation of any storage facilities for toxic or hazardous materials, fertilizers and waste;

Response No. 6: All of the proposed buildings are residential buildings with townhouse dwelling units and full foundations. There will be no storage facilities for toxic or hazardous materials, fertilizers and waste on site. The development will be service by municipal water and sewer, as well as natural gas.

7. Where applicable, typical schematic profile for any storage facility or structure designed to contain potential spills;

Response No. 7: No storage facilities or structures related to potential spills is required for this residential development. The development will be serviced by natural gas and will not require any storage of other fuels on-site.

8. Evidence of approval by the Massachusetts Department of Environmental Protection (MassDEP) of any industrial waste treatment or disposal system or any wastewater treatment system over fifteen thousand (15,000) gallons per day capacity;

Response No. 8: Not applicable - the project will be serviced by municipal sewer and water. As such, an industrial waste treatment or disposal system will be required for this project.

9. For underground storage of toxic or hazardous materials, evidence of qualified professional supervision of system design and installation;

Response No. 9: Not applicable – the project will not require any underground storage of toxic or hazardous materials.

10. Where applicable, all necessary engineering reports that demonstrate compliance with the Massachusetts Stormwater Policy as amended;

Response No. 10: Site plans and stormwater management reports prepared by Glossa Engineering have been provided which demonstrate that a system of artificial recharge will be provided that will not result in degradation of groundwater quality in full compliance with the Massachusetts Stormwater Management Guidelines and Policy.

11. Where applicable, a description of the phasing of earth removal and replacement;

Response No. 11: No earth removal is contemplated for this project. Any imported fill material shall consist of clean material and contain no solid waste, toxic or hazardous materials of hazardous waste.

12. Analysis by a technically qualified expert, such as a registered professional engineer, certifying that the integrity of the underlying groundwater resources will not be degraded.

Response No. 12: Northeast Geoscience, Inc. (“NGI”) is a qualified technical expert who has reviewed the project, along with the existing and proposed conditions of the site. Based on NGI’s review and analysis the project it is NGI’s opinion that integrity of the underlying groundwater resources will not be degraded. Attached is the report prepared by NGI dated February 5, 2024.

Based on the foregoing information and accompanying plans and reports, the Darwin Commons project will not adversely impact or degrade the underlying groundwater resources within the WPROD.

Respectfully submitted:

WALL STREET DEVELOPMENT CORP.


By: Louis Petrozzi, President