



**Town of Walpole**  
**Commonwealth of Massachusetts**  
**Zoning Board of Appeals**

*Zoning Board of Appeals*  
John Lee, Chairman  
Susanne Murphy, Vice Chair  
Robert Fitzgerald, Clerk  
Mary Jane Coffey, Member  
Drew Delaney, Member  
David Anderson, Associate Member

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

**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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**PROCEDURAL HISTORY**

1. The Walpole Zoning Board of Appeals (the “Board”) issued a Comprehensive Permit (the “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 February 14, 2021 (the “Notice of Project Change”), the applicant submitted to the Board to amend the Comprehensive Permit for the Original Project pursuant to 760 CMR 56.05(11) to allow for a modification to the Original Project. This modification would be to amend Condition E.13 (the “Condition”) which permitted hours of construction operation from 8:00 a.m. to 5:00 p.m., Monday through Saturday. The Applicant’s requested modification to this condition would be to permit hours of construction operation from 7:00 a.m. to 7:00 p.m., Monday through Saturday.
3. At a public meeting on March 3, 2021, having reviewed and discussed the Notice of Project Change, the Board voted unanimously that the proposed change to the Original Project was substantial pursuant to 760 CMR 56.05 (11).
4. The materials submitted by the Applicant in support of its request for the Modified Comprehensive Permit included the following:
  - Submittal letter from Wall Street Development Corp., dated February 14, 2021
  - Email correspondence with Walpole Public Schools Transportation Coordinator, dated February 4, 2021
5. The Board opened a duly advertised public hearing for the Modified Comprehensive Permit request on March 24, 2021. The Board deliberated on the request, closed the public hearing, and voted to deny the Notice of Project Change.

**DECISION**

The Board deliberated the applicant's requested modification to Condition E.13 dealing with hours of operation for construction of the Burns Avenue 40B project. Ultimately, the Board determined that their reasoning behind Condition E.13 was justified given the concerns for safety of the surrounding neighborhood and school aged children who would be directly impacted from the construction times requested by the applicant.

**RECORD OF VOTE**

The Board of Appeals voted, at its public meeting on March 24, 2021 to issue this Decision denying the Notice of Project Change as stated below:

**MOTION** by Ms. Murphy and seconded by Ms. Coffey to deny the request for modification to Condition E.13.

Members in favor of denial:

John Lee

Robert A Fitzgerald

Andrew Delaney

Mary Anne Coffey

Dated: **April 7, 2021**

Files with the Town Clerk on:

Elizabeth Gaffey  
Elizabeth Gaffey, 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.