



WALL STREET DEVELOPMENT CORP.
REAL ESTATE DEVELOPERS

February 10, 2021

VIA EMAIL AND REGULAR MAIL

Mr. John Lee, Chairman
Walpole Zoning Board of Appeals
135 School Street
Walpole, MA 02081

RE: Comprehensive Permit dated January 13, 2020
The Residences at Burns Avenue – Request for Modifications dated January 26, 2021

Dear Mr. Chairman:

With regard to the above referenced Request for Modification, please be advised that Item No. 1, regarding Condition 1.3, is hereby withdrawn from the Request for Modification. Attached as Exhibit “A” is a revised outline of the respective conditions and requested modifications with Item No. 1 being deleted. All other modifications requested in Exhibit “A” remain as proposed for the Board’s further consideration.

Thank you for your consideration in this matter. Should the Zoning Board have any questions or need for additional information, please do not hesitate to contact me.

Sincerely,

WALL STREET DEVELOPMENT CORP.


Louis Petrozzi

cc. Jay Talerma, Esq. – Mead Talerma & Costa
Rob Truax – GLM Engineering Consultants Inc.
Dean Harrison – 40B Consultant
Walpole Town Clerk

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EXHIBIT "A"
CHAPTER 40B COMPREHENSIVE PERMIT DATED JANUARY 13, 2020
THE RESIDENCES AT BURNS AVENUE – 32 UNITS

APPLICANTS:
WALL STREET DEVELOPMENT CORP AND BURNS AVENUE DEVELOPMENT LLC

PROPERTY LOCATION - BURNS AVENUE
ASSESSORS MAP 20, PARCELS 119, 136 & 137

FIRST REQUEST FOR MODIFICATIONS
JANUARY 26, 2021/REVISED FEBRUARY 10, 2021

Requested Modifications:

1. ~~Condition A.3—The project shall consist of not more than thirty two (32) condominium units in six (6) structures with occupancy for up to six families per structure....~~

Requested Modification: ~~Approved site development plan shows seven (7) structures with occupancy for up to six families per structure. The Project shall consist of twenty-eight (28) two-bedroom units and four (4) three-bedroom units.~~

2. Condition C.1.a: Deliver to the Board a check in a reasonable amount determined by the Board to be used for the Board to retain outside experts for technical and legal reviews and inspections required under these conditions.

Requested Modification: Deliver to the Board a check in the of Five Thousand and 00/100 Dollars (\$5,000.00) to be used for the Board to retain outside experts for technical reviews and inspections required by these conditions.

3. Condition C.1.c: Provide the Board with the recording information documenting the fact that the Order of Conditions for the Project issued by the Conservation Commission dated November 4, 2019 has been recorded in the Norfolk Registry of Deeds and that all appeals have been exhausted.

Requested Modification: Provide the Board with the recording information documenting the fact that the Superseding Order of Conditions for the Project issued by the Massachusetts Department of Environmental Protection (Mass DEP) dated February 20, 2020 has been recorded in the Norfolk Registry of Deeds and that all appeals have been exhausted.

4. Condition C.2.h: The Applicant shall provide security in an amount and form acceptable to the Town for emergency sediment control and site stabilization.

Requested Modification: The Applicant shall provide security in an amount acceptable to the Town for emergency sediment control and site stabilization. Said security shall be provided consistent with the provisions of G.L. c. 41, sec. 81U, as provided for in Condition No. I.1, provided herein.

5. Condition C.2.i: The Applicant shall provide security in sum of one hundred twenty-five percent (125%) of the bona fide estimate of the cost of restorative landscaping. These funds will be used to restore the site should the project be abandoned, and no construction activity takes place for a year.

Requested Modification: The Applicant shall provide security in an amount acceptable to the Town for restorative landscaping to consist of loam and hydroseed of any disturbed areas. Said security shall be provided consistent with the provisions of G.L. c. 41, sec. 81U, as provided for in Condition No. I.1, provided herein.

6. Condition D.1.e.: Submit as-built plan of stormwater basin and infiltration units ... set forth in the Conservation Commission's Order of Conditions for the Project issued on November 4, 2019, the peer reviewer's comments and recommendations submitted during the course of the public hearings and the final approved stormwater management plans dated September 25, 2019.

Requested Modification: Submit as-built plan of stormwater basin and infiltration units ... set forth in the MassDEP's Superseding Order of Conditions for the Project issued on February 20, 2020, the peer reviewer's comments and recommendations submitted during the course of the public hearings and the final approved stormwater management plans dated January 20, 2020.

7. Condition H.9.a: The Applicant shall comply with all the terms and conditions of the Order of Conditions for the Project issued by the Conservation Commission on November 4, 2019. No work may proceed pursuant to this Comprehensive Permit until all appeal periods have been exhausted and the Order is recorded in the Norfolk Registry of Deeds.

8. **Requested Modification:** The Applicant shall comply with all the terms and conditions of the Superseding Order of Conditions for the Project issued by MassDEP on February 20, 2020. No work may proceed pursuant to this Comprehensive Permit until all appeal periods have been exhausted and the Order is recorded in the Norfolk Registry of Deeds.

9. Condition H.9.b: All terms and conditions of the Order of Conditions issued November 4, 2019 are expressly incorporated as conditions to this Comprehensive Permit and shall remain enforceable conditions under the Comprehensive Permit notwithstanding the result of any appeal. Should appeal of the Order of Conditions result in elimination or modification of any condition of the Order of Conditions and the Applicant seeks to modify the Project based thereon, any such modification must be approved by the Board in accordance with 760 CMR 56.05(11).

Requested Modification: All terms and conditions of the Superseding Order of Conditions issued by MassDEP on February 20, 2020 and the plans referenced therein dated January 20, 2020 are expressly incorporated as conditions to this Comprehensive Permit and shall be the enforceable conditions under the Comprehensive Permit. In the event the Superseding Order of Conditions resulted in the elimination or modification of a condition and the Applicant seeks to modify the Project based thereon, any such modification must be approved by the Board in accordance with 760 CMR 56.05(11).