

Zoning Board of Appeals
135 School Street
Walpole, MA, 02081

March 12, 2024

RE: Wall Street Development (WSD) request for Special Permit (SP) under bylaw 6-C-4 -A

6-C-4-A (2nd para) “Applications for this SP shall provide to ZBA the information to ZBA specified in Section 2 of the ZBL’s and the information that is specified to be provided to the Planning Board required for Full Site Plan Review as specified in Section 13 of ZBL’s. Said projects will be subject to all applicable provisions of the ZBL’s.”

SP Finding and Determination 2-2-B-(1)-(a) thru (h) should determine which bylaws apply to 6-C-4-A and should be addressed, whether in whole or in part, and which bylaw would take precedence over another. E.g., Section 10-E would limit the Use Table at 5-B-1-3-(d)ii +(d)iiii consequently limiting 6-C-4-A which is based upon the Use Table. 6-C-4-A + 5-B-1-3-(d)ii + (d)iiii are without upper limits, thus the determination of those limits falls back to Section 2.2; unless waived, a SP from Planning Board is required for a common driveway

Specifically, 2-2-B-(1)-(d) “shall comply...and buffer zone requirements in Section 5-G”; Also see 10-E-5-H

2-2-B-(1)-(h) “shall not be incompatible with the purpose of the zoning bylaw...”

*The criteria of 5-G-2, 5-G-3, 5-G-4 A thru G should apply to the 50’ buffer zone at 5-B-1-3-(d)iii.

*Plan shows 5 dwelling units (# 1, 7, 13, 14, 15) with less than the required 50’ buffer zone which are incompatible with 5-B-1-3-(d)iii.

Also, crossover reviews (Planning Board regarding placement of parking, storage of trash and adequate access (“common driveway” 10-E) for 15 dwelling units; B.O.H. if trash is along a public way or common driveway since 10-E-5-M won’t work; Fire Department - Planning Board - ZBA on turnaround, safety (see 10-E-5-I), access specifications (10-E-5-B) and buffer (10-E-5-H)

When Town Meeting changed 6-C-4-A at JMS, its purpose by adding 5-B-1-3-(d)iiii was to clarify that the number of dwelling units is based on 10,000 sf per dwelling unit whether the dwelling units were in one building (i.e. 5-B-1-3-(d)ii) or in many buildings (5-B-1-3-(d)iiii); it did not remove 5-B-1-3-(d)iii, “you got your buffer” said Town Counsel Ilana Quirk. The 50’ buffer requirement 5-B-1-3 (d)iii applies as would” ... connected to public sewer...” at 5-B-1-3-(d)i and “public sewer” is not specifically noted in 2.2 or 6-C-4-A.

Common Driveways Section 10-E. One access point over the approved frontage not to exceed 300', SP Planning Board and must follow Section 2-2; 10-E-2 (max 3 dwelling units) is reflected upon in its design standards at (10-E-5); only the application is exempt from Full Site Plan Review (10-E-3); will the cul-de-sac as shown meet the design standard at 10-E-5-H? ("...to be set back from lot lines and/or screened with a buffer of trees and/or shrubs")

There is no road without a public taking or a subdivision. Yes, there must be a utility easement, but there is no access easement in respect to 6-C-4-A; leaving only access from a common driveway. Rather than to waive or to ignore the common driveways existence, its requirements and/or design standards within 10-E-5 should be incorporated into 2.2.

Section 13 Site Plan Review: 13-2-A, C, and G all new multi-family, creation of more than 6 new parking spaces, multiple buildings on a lot in accordance with section 6-C-4-A apply respectively; 13-2-D would apply to outdoor storage of trash screened; 13-2-E now applies with the addition of 5-B-1-3-(d)iiii to the Use Table and requires a SP under Section 5-B (i.e. 6-C-4-A request for 15 dwelling units).

I believe it was an ANR not a perimeter plan, that WSD requested from the Planning Board 5+ years back seeking three (3) year Zoning protection. With the inclusion of 7 Brook Lane (map 20 parcel 115), will WSD seek an ANR (C41 s 81P) or Perimeter Plan (C41 s 81X) from the Planning Board, since 6-C-4-A requires frontage and common ownership to a single lot.

P. S. - Plan does not identify the abutting 95.38' x 20' Campbell parcel (i.e. remainder of Map 20 Block 139 after taking for Burns Ave. {Ref. BK 2648, PG 275} Area 1908sf), nor does plan identify both parcels northerly abutting 15.11' x 20' parcel and 100' x 20' parcel to this "remainder", both northerly bounds evidenced by documents suggest parcels are inclusive to their northerly lots.

Sincerely,

Robert D. O'Leary

776 Washington Street