

WALL STREET DEVELOPMENT CORP.
REAL ESTATE DEVELOPERS

April 30, 2021

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

RE: Chapter 40B Comprehensive Permit Application
Diamond Hill Estates – Off Dupee Street - Supplemental Information

Dear Mr. Chairman:

As requested by the Board, enclosed is a revised list of waivers being requested in connection with the proposed Diamond Hill Estates 40B Application. In addition, also enclosed are statements required under Section 3.2.15 and Section 3.2.16 of the Board's Comprehensive Permit Regulations.


– Thank you for your continued consideration in this application process.

Sincerely,

WALL STREET DEVELOPMENT CORP.

Louis Petrozzi
Louis Petrozzi, President

cc. Rob Truax – GLM Engineering Consultants, Inc.
Dean Harrison – 40B Consultants
Bill Scully – Green International



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**Diamond Hill Estates 40B (Dupee Street.)
Requested Waivers – Revised April 25, 2021**

SECTION	DESCRIPTION	WAIVER	NOTES
ZBA 40A 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	
ZBA Comprehensive Permit Rules and Regulations			
Section 3.2.10	<u>Recreation and Open Space Amenities</u> - a detailed listing and site plan identifying the recreation and open space amenities and areas to be proposed and set aside within the proposed project's locus.	Applicant requests waiver from this regulation. The development site is a short distance from recreation and open space amenities at the Bird Middle School, Old Post Road School and Bird Park.	
Section 3.2.12	<u>Pro Forma</u> - a complete financial pro forma, detailing the projected costs and revenues of the proposed project.	Applicant requests waiver from regulation as they believe it is in excess to the requirements of M.G.L 40B and as provided in the regulations in 760 CMR 56.05 (1) and (2)	

SECTION	DESCRIPTION	WAIVER	NOTES
<p>Walpole Rules and Regulation Governing the Subdivision of Land Town of Walpole Rule and Regulations Governing the Subdivision of Land, as amended through 2016</p>	<p>The local municipal subdivision rules and regulations</p>	<p>Being that this is not a subdivision the applicant requests a waiver from the town of Walpole's subdivision rules and regulations to the extent that such regulation would affect the proposed development as shown on the plans.</p>	
<p>Town of Walpole Zoning Bylaws</p>			
<p>Section 5-B Schedule of Use Regulations</p>			
<p>Table 5-B.3.d.iii</p>	<p>iii. If there is to be more than one (1) principle building on a lot, there shall be a minimum of 10,000 square feet of lot area per dwelling unit, regardless of how many buildings are on the lot or how many units are in a building.</p>	<p>Allow up to eight (8) principle buildings on a lot with less than 6,500 square feet of lot area per dwelling unit</p>	
<p>Section 5-D Excavation or Filling of Earth</p>			
<p>Section 5-D.2. Activities Prohibited</p>	<p>Clear-cutting of vegetation and stripping of topsoil on a site before a Building Permit has been issued by the Building Inspector for the intended use of the site is prohibited unless limited clearing is required for pre-development work including, but not limited to, site access, surveying, and test pits pursuant to accepted engineering practices.</p>	<p>Allow tree clearing and stripping of topsoil and site work to commence upon approval of the Comprehensive Permit and expiration of any appeal periods.</p>	

SECTION	DESCRIPTION	WAIVER	NOTES
Section 5-D.3.E.	Activities approved as part of any Site Plan Review	Allow activities as required and shown on the plan as site plan review is not required.	
Section 5-D.4.A.	Under the provisions of this Section of the Bylaw, the Board of Appeals may authorize a Special Permit for the following activities: (A) Activities associated with a residential use that will involve the excavation or filling of one hundred (100) cubic yards of earth or more per year except those listed in Subsection 5-D.3.C above.	Allow excavation and /or filing activities required for the development, as shown on the plan without special permit.	
Section 6-B Schedule of Dimensional Regulations			
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 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 (Residence B District).	Allow front setback distance of Buildings 1-6 to have a minimum street-line setback of twenty-five (25) feet. Allow front setback distance of Building 8 to have a street-line setback of six (6) feet. Allow rear yard setback of Building 7 to be nineteen (19) feet.	

SECTION	DESCRIPTION	WAIVER	NOTES
Table 6-B.1	<p>Residence B</p> <p>Required Lot Area: 20,000S.F.</p> <p>Impervious Surface Buildings – 25%</p> <p>Total Impervious Surface – 40%</p> <p>Front Setback: 30’</p> <p>Rear Yard Setback: 30’</p> <p>Side Yard Setback: 20’</p>	<p>Waive compliance with requirements in a residence B District as follows:</p> <p>Impervious Surface – Buildings 28%,</p> <p>Total Impervious Surface – 46%</p> <p>Allow front setback distance of Buildings 1-6 to have a minimum street-line setback of twenty-five (25) feet.</p> <p>Allow front setback distance of Building 8 to have a street-line setback of six (6) feet.</p> <p>Allow rear yard setback of Building 7 to be nineteen (19) feet.</p>	
Section 6-C Special Conditions			
Section 6-C.4.	<p>Not more than one principal building constructed as a dwelling or so used shall be located on a lot</p>	<p>Allow eight (8) principal buildings to be constructed for use as single-family dwellings to be located on a lot without special permit</p>	
Section 6-C.4.A.3.	<p>Minimum thirty (30) foot setback from any building to any adjacent property line</p>	<p>Allow minimum six (6) foot setback for Building 8 from any building to any adjacent property line.</p>	

SECTION	DESCRIPTION	WAIVER	NOTES
		Allow minimum nineteen (19) foot setback for Building 7 to any adjacent property line.	
Section 6.C.4.A.4.	Buildings shall be a minimum of thirty (30) feet apart	Allow all buildings to be a minimum of ten (10) feet apart, excluding projections for fireplaces.	
Section 6-C.4.A.6	Maximum number of dwelling units not to exceed one dwelling unit for every 10,000 square feet of lot area on a single lot	Allow eight (8) dwelling units with one unit for every 6,530+/- square feet of lot area on a single lot	
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 front porticos, front porches and rear decks to encroach up to an additional sixty (60) inches beyond that permitted into the setbacks.	
Section 13 – Site Plan Review			
The Applicant requested the following:			
As the development is proposed under M.G.L. Chapter 40B, the ZBA is the permit granting authority for all local approvals for the proposed development. Site Plan Review Rules as described in Section 13 of the Zoning Bylaws is not required.			

SECTION	DESCRIPTION	WAIVER	NOTES
Walpole Stormwater Management and Erosion Control Bylaw and Regulations			
Walpole General Bylaws - Chapter 499 Stormwater Management – Article II Erosion Control - §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.	
Regulations - Part III (approved 11/14/2007 and revised 6/26/2019)	Stormwater Management Plans	Waiver requirement. Stormwater management design shall be in compliance with Massachusetts DEP Stormwater Management Standards and Stormwater Policy Handbook.	
Walpole Board of Sewer and Water Commission Regulations			
Water, Article III, Section N	Water Entrance Fees	Waive all entrance and system development fees for each unit.	
Sewer, Article II, Section C	Sewer Entrance Fees	Waiver all residential sewer connection fees for each unit.	
Sewer, Article IV, Section D	Inflow and Infiltration Fees	Waiver inflow and Infiltration fee for each unit	
Building Department			
Building Permit Fees	All associated building permit fees	Waive building permit fee on all affordable units.	

**DIAMOND HILL ESTATES
DUPEE STREET – WALPOLE, MA
APPLICATION FOR COMPREHNSIVE PERMIT
UNDER M.G.L. C. 40B**

**ZONING BOARD OF APPEALS OF THE TOWN OF WALPOLE
COMPREHENSIVE PERMIT REGULATIONS
APRIL 25, 2021**

Section 3.2.15 – Statement of Impact on Municipal Facilities and Services:

The following information is a summary of the municipal facilities and services related to the proposed development:

Municipal Facilities and Services:

1. Water Supply:

The development and future units will be serviced by municipal water service of the town of Walpole. The existing water services on Dupee Street/High Plain Street will be replaced by a new 8” water main with new service connections to the existing homes on Dupee Street. The new water main will be extended up Dupee Street into the site to service the proposed units. Individual water services will be installed for each unit in the development.

2. Sewer Service:

Municipal sewer is available on-site via a sewer connection from High Plain Street. The municipal sewer will be extended up Dupee Street to service each of the proposed units. Individual sewer service will be installed for each unit in the development.

3. Historical and Archaeological:

There are no sites or structures known to be of historical significance or archaeological importance within or in the vicinity of the project limits.

4. Public and Community Facilities:

(a) Energy and Utilities

Private electric, telephone and other services are available on Dupee Street. Proposed routing of service connections will be in accordance with the respective requirements of each private utility company, i.e. Eversource Electric, Verizon, Comcast, etc. All utilities will be installed underground.

(b) Police and Fire:

Access for police, fire and other emergency vehicles is via High Plain Street to Dupee Street. A turn-around at the end of the Dupee Street will be provided to allow for apparatus maneuvering and turning. Municipal water, including fire hydrants at 500-foot intervals, will provide for fire protection.

(d) Maintenance and Other Services:

Upon completion, Dupee Street will remain a private way to be maintained by a homeowner association to be formed.

5. Site Impact Assessment - Criteria:

(a) Consistency with character of the surrounding area:

The development site is in an existing mixed neighborhood of single family and multi-family residences. The proposed condominium homes will be consistent with the existing homes in the neighborhood.

(b) Protection of important existing historical or important site features, natural and man-made:

There are no important existing natural or man-made site features.

(c) Protection of adjoining premises from detrimental impacts of surface water drainage, sound and light barriers, preservation of light and air and noise impacts:

The proposed development site has been evaluated and designed to provide proper storm-water management in accordance with state and local regulations. Included with this application is a Storm-water Management Report prepared by GLM Engineering Consultants, Inc. Based on the residential use of the property and the residential nature of the proposed buildings, the development is not likely to create any negative impacts regarding sound and light, air flow or noise following full development of the site. In addition, any street lighting to be provided will not shine onto any abutting properties. There are no views to protect.

(d) Vehicular and Pedestrian Movement:

The proposed development use of the property for 8 detached single-family residential condominium homes and the access drives to serve each of the proposed homes has been laid out to provide convenient travel for both vehicular and pedestrian movement within the site. Included with this application is a "Traffic Impact and Access Study" prepared by Green International Affiliates, Inc.

This report concludes and has determined that the proposed project “will be a low generator of traffic” and “the development of Diamond Hill estates will have minimal impacts on the current traffic characteristics on the abutting street system.” Site traffic is expected to be able to enter and exit the site safely and efficiently and “safe sight distance criteria will be adequately satisfied. The additional traffic volumes associated with the proposed development site will not adversely affect the immediate neighborhood.

(e) Parking and Loading Spaces:

Two (2) indoor parking spaces and two (2) outdoor parking spaces will be provided for each unit accommodated on the development. A total of thirty-two (32) parking spaces are being provided.

6. General Development Impacts:

(a) Conserve and protect natural features that are of lasting benefit to the site, its surrounding area and the town at large.

There are no natural features to conserve or protect on site that benefit the surrounding area or Town at large. The proposed storm-water management facilities to be incorporated into the site development will enhance and protect adjoining property from existing surface runoff.

(b) Site Stabilization Protection During Construction:

The development site is relatively flat site, varying from elevation 300 to elevation 307. Given such relatively minor variation in contours, there are no significant slopes to be affected. Any disruption to the site during construction will be stabilized using best management practices.

(c) Roadway and Access Drive Design:

The proposed construction of Dupee Street to serve the development will not have any adverse impact on the existing roadway network – High Plain Street. In addition, there are no known site distance deficiencies that will be associated with the proposed intersection of Dupee Street with High Plain Street. The proposed construction of Dupee Street has been designed in accordance with the construction standards of the Town of Walpole.

(d) Illumination of the Access Drive:

Dupee Street, once constructed, will have traditional street lighting. Any street lighting to be incorporated within Dupee Street will be designed so as to shine in a downward direction and not beyond. Each of the homes will have traditional lighting at the front, side and garage doors. This lighting will be operational on an as needed basis.

(e) Utilities:

The proposed development will be serviced by municipal water and sewer, as well as natural gas, electricity, telephone, etc., All utilities will be installed underground to the extent possible and/or permitted by the respective utility company.

(f) Surface Water and Stormwater Management:

The proposed surface run-off from any proposed impervious surfaces will be addressed in accordance with best management practices and the Town of Walpole regulations. See attached - Storm-water Management Report.

II. Fiscal Impact:

The proposed development of Diamond Hill Estates will be managed by a homeowner association that will be responsible for the future maintenance of the roadway and infrastructure. In addition, snow plowing and trash pick-up will be provided privately. As such, there will be little or none fiscal impact on the Town.

Real estate taxes paid on the existing property is \$2,540. Following completion of the development, it is estimated the new homes will generate approximately \$60,400 in real estate taxes annually.

In addition, it is estimated that the development will result in the following one-time revenues paid to the Town:

Building Permit Fees:	\$ 30,800
Water Connection Fees:	\$ 28,000
Sewer Connection Fees:	\$ 18,400
Electrical & Plumbing Fees	<u>\$ 6,400</u>
Total:	\$ 83,600

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Section 3.2.16 – Statement of Demonstration of Compliance with Walpole’s Master Plan and Open Space Plan:

In September, 2004, the Town of Walpole Planning Board (the “Town”) adopted the most recent Master Plan and Community Development Plan dated June, 2004 (the “Plan”). In 2009, the Town compiled a 5-year update to measure the progress on implementing the goals and objectives of the Plan. Since 2009, there does not appear to be any further up-dates or progress report that measured the progress made by under the Plan.

As noted in Section VII – Housing and Residential Character of the Plan, one of the primary goals identified was to “Provide housing affordable to seniors, town employees and young people starting in life and meet the Chapter 40B goal for 10% permanently affordable housing.” Since 2004, the Town has done very little in the way of promoting the development of affordable housing. In recent years, several projects have been approved that resulted in excess of 600 residential dwellings being developed. However, none of these residential dwellings are considered to be affordable within the framework of M.G.L. c. 40B. The development of Diamond Hill Estates will include two (2) residential homes that would be restricted to households having incomes at or below 80% of the area medium income. Diamond Hill Estates will provide a small contribution to the Town’s goal of achieving 10% affordable housing in the Town.