

July 23, 2023

TO: Zoning Board of Appeals
Town of Walpole

FROM: George Sugai and Elizabeth Fernandez (abutters) at 10 Rose Court Way, East Walpole, 02032. 860-428-3768. Sugai.george@gmail.com

The purposes of this note are to (a) express our concerns regarding Pinnacle Drive Development Case 22-11 indicated on the agenda for the July 26, 2023 meeting of the ZBA and (b) recommend denial or at minimum, careful monitoring of the developer's (Wall Street Development) compliance to requirements and limitations should an application be approved.

CONTEXT: We are abutters who have lived at 10 Rose Court Way, East Walpole for 6 years, and learned about and monitored Wall Street Development and their various proposals to develop housing along the Neponset River on and below Pinnacle Drive.

CONCERNS: Although we support the Town's efforts to provide additional housing, including low-cost options, we oppose the Wall Street Development application for Pinnacle Drive for the following reasons:

1. ENVIRONMENT AND CONSERVATION. We have monitored the action's of the Town's Conservation Committee, and have learned about concerns related to potential (a) loss of green-space, (b) degradation of land and water quality, (c) restrictions and prohibitions of the River's Act and Historic Mills Act, (d) loss of public access to river front trails, (f) dangers related to land degradation (especially along steep embankments), and (e) increase in pollution and other environmental impacts due to construction activities and increases in vehicular density and traffic.
2. RIVERS ACT AND HISTORIC MILLS ACT. The developer has appealed the riverfront designation of the shore within the proposed lot by the EPA. To date, we are not aware that the Commonwealth has addressed the Developer's appeal. We are concerned about making local decisions when the status of the Commonwealth's EPA regulations, processes, and procedures is undecided.
3. SAFETY. Access to and movement around the lower riverfront would require construction of roadways that would be narrow and steep. Reports by Town and Commonwealth public safety (i.e., law enforcement/protection, fire, EMT, natural disasters) are more than a year old and do not consider increased concerns regarding, for example, drought, flooding, wildfires, and weather related storms.

4. TRAFFIC. An additional 20-40 housing units would significantly increase vehicular congestion and accident risks on Pinnacle Drive and entering and exiting East Street primarily and Washington Street secondarily.

5. COMPLIANCE. Developers have not exercised adequate due diligence regarding Town and Commonwealth regulations. For example, a few years ago, the Developer back-hoed and cleared trees along the river w/o permission and permits, and was subsequently fined. In addition, developers have indicated "intent to meet" with neighbors to review and adapt plans in response to local concerns. Neither meetings or adaptations have occurred. While the Developer has met with a couple of individual abutters, agreements and compromises did not result. In addition, veiled threats have been indicated, e.g., "if we can't get approved for 20 units, we'll have to go with a 40 unit option."

6. TOWN GROWTH. One of the main assets of living in the Town of Walpole is its quality of life. Although qualitative, we are concerned about devaluation and degradation of its small town features, e.g., (a) green space, (b) sense of neighborhood, (c) access to natural environs (e.g., Neponset River), (d) investment in conservation, (e) minimized congestion (e.g., buildings, traffic), and (f) attention to safety and prevention.

Suggestions: In the context of the above concerns, we offer the following suggestions:

1. We suggest postponing any review, approval, or exceptions of this application until the Commonwealth EPA finalizes its designation of the riverfront based on the Rivers Act and Historic Mills Act.

2. We could support the development of two single family lots on upper Pinnacle Drive, especially if it would fit into the neighborhood and is considerate of above concerns.

3. We strongly support the alternative possibility of the Town or Commonwealth purchasing the lower lot to preserve/conservate the green space along the Neponset River to expand its natural environment investments and offerings for hiking/walking trails, public river access, etc.

4. Given the number of changes and variations proposed by Developer over the years and increased concerns related to climate and environment, we suggest completion of updated reviews by the Town Conservation Committee, Health Departments, and Engineer, which were last completed in May of 2022, to inform current ZBA decision making.

5. We support obtaining feedback from local and Commonwealth organizations that may be affected by a riverfront development, e.g., Neponset River Association, Division of Fisheries and Wildlife, Mass Rivers Association, Water Resources Commission.

6. We oppose any development of the lower portion of the green space along the Neponset River. However, If development of the lower portion of the lot is considered approvable, we suggest (a) careful consideration of and close attention to the above concerns within any approved application and its requirements and limitations; (b) diligent and continuous proactive monitoring of the developers compliance with Town and Commonwealth requirements and regulations; (c) high priority consideration of the impacts on neighborhood, green space, and riverfront; and (d) inclusion of regular review and input by abutters, especially those along Pinnacle Drive.

We appreciate your attention to this matter and your consideration of our concerns and suggestions. We plan to attend the July 26th ZBA meeting to indicate our opposition to this application and the proposed development.