



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

Zoning Board of Appeals
John Lee, Chair
Drew Delaney, Vice Chair
Robert Fitzgerald, Clerk
Mary Jane Coffey, Member
David Anderson, Member
Judith Conroy, Assoc. Member
Timothy Hoegler, Assoc. Member

**DECISION - ZONING BOARD OF APPEALS CASE NO. 22-25
A REVISION OF ORIGINAL CASE NO. 2-89, REVISED CASE NO. 30-92, AND
REVISED CASE NO. 21-7**

APPLICANT:
Town of Walpole (DPW)

OWNER OF RECORD:
Town of Walpole

LOCATION OF PROPERTY INVOLVED:
130 Robbins Road
Walpole Assessors Map: 25-158
Zoning District: Park, School, Recreation, Conservation (PSRC)

APPLICATION:

A **Special Permit Modification** to a previously issued Special Permit (original Case No. 2-89, dated 3/18/1989 which was granted further modification through Case No. 30-32, dated 1/6/1993, and again through Case No. 21-7) to modify Condition No.3, relating to the hours of operation during school days from 8:00 A.M. - 2:30 P.M. to 7:00 A.M. – 3:30 P.M., at the Town of Walpole's Septage Facility located at 130 Robbins Road, Walpole, MA 02081.

On September 21, 2022, a public hearing was held in the Main Meeting Room of Walpole Town Hall, 135 School Street, for the purpose of receiving information and voting upon a decision as to the granting of the requested Special Permit Modification.

On September 21, 2022 the following members were present and voting:

Drew Delaney, Vice Chair
Bob Fitzgerald, Clerk
Judy Conroy, Associate Member
Tim Hoegler, Associate Member

A motion was made by Ms. Conroy, and seconded by Mr. Hoegler to grant a **Modification** to the previously issued Special Permit (original Case No. 2-89, revised in Case No. 30-32, and Case No. 21-7) to modify Condition No. 3, to allow the Board of Sewer & Water Commissioner to adjust the hours of operation as needed within the normal working hours of Monday through Friday from 7:00 A.M. to 3:30 P.M., exclusive of holidays, at the Town of Walpole Septage Facility, located at 130 Robbins Road, Walpole, MA 02081.

The vote was (4-0-0) in favor: Delany-aye, Fitzgerald-aye, Conroy-aye, Hoegler-aye; therefore, the application for a **Modification** of Condition No. 3 of the previously granted Special Permit is hereby granted, subject to the following condition:



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CONDITIONS:

1. No vehicles shall be staged or queue on Robbins Road at any time.

REASONS FOR DECISION:

It is the finding of the Board that the Applicant was able to adequately provide information to support the change in hours of operation. The Applicant has stated that local septage haulers, who use the facility, have made an appeal to the Board of Sewer & Water Commissioners for an increase in the hours of operation in order to meet increased demand for their services. The Applicant had stated that this increased use of the facility would also be a benefit to the Town as a whole. The Applicant had sought professional feedback from this request in the form of the Town's Fire Department, Police Department, Engineering Department, School Department and Superintendent of Schools as the Johnson Middle School is within close proximity to the project site. All aforementioned municipal departments expressed either support or no objections to the request by the Applicant.

Massachusetts General Laws c. 40A, §11 provides in pertinent part as follows: "A special permit, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision bearing the certification of the city or town clerk that 20 days have elapsed after the decision has been filed in the office of the city or town clerk and either that no appeal has been filed or the appeal has been filed within such time, or if it is a special permit which has been approved by reason of the failure of the permit granting authority of special permit granting authority to act thereon within the time prescribed, a copy of the application for the special permit-accompanied by the certification of the city or town clerk stating the fact that the permit granting authority or special permit granting authority failed to act within the time prescribed, and whether or not an appeal has been filed within that time, and that the grant of the application resulting from the failure to act has become final, is recorded with the Norfolk registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner on record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This section shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the 6 month periods provided under the second paragraph of section 6. The fee for recording or registering shall be paid by the owner or applicant.

APPEALS FROM THIS DECISION FOR A SPECIAL PERMIT, IF ANY, SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN TWENTY DAYS AFTER THE DATE OF FILING OF THE NOTICE OF DECISION IN THE OFFICE OF THE CITY OR TOWN CLERK.

WALPOLE ZONING BOARD OF APPEALS

Robert Fitzgerald

Robert Fitzgerald, Clerk

This decision was made on September 21, 2022 and filed with the Town Clerk on September 29, 2022.