

**Omni 40B Questions sent on October 6, 2019 via email from Joanne Mulligan  
and Julie Lowre to Town Administrator Jim Johnson**

**Responses provided on October 11, 2019**

**A. History:**

- 1) Why do the downtown apartments have no affordable units? Can this be changed?

Response - Please see the attached 40B informational guide.

- 2) How long has OMNI been talking/in negotiations with the town? Can we get a timeline?

Response - Omni Properties, (the "Developer") contacted the Town Administrator on September 4, 2019 through their Attorney, Dick Gellerman. Attorney Gellerman informed the Town Administrator that he was representing Omni Properties, a developer that intends to develop a 300 unit housing project located at 55 Summer St. in Walpole by filing an application for a comprehensive permit pursuant to G.L. c. 40B with the Walpole Zoning Board of Appeals ("ZBA"). Attorney Gellerman asked to meet with the Town Administrator and other Town officials to talk about the project.

On September 9th, Omni Properties delivered a formal copy of their Site Approval Application to Mass Housing for their development to the Town Clerk's Office. On September 12th, the Board of Selectmen received a follow-up written notice from Mass Housing that it had received the Site Approval Application by Omni Properties and that a site visit would be scheduled with Mass Housing Officials and the Developer for September 25th. The site visit is a required component of the Project Eligibility Determination Phase of the 40B Process.

A meeting was held at the Town Hall on Friday September 13th with Omni Properties and Department Heads and Town Officials to discuss the early details of the proposal. Meeting with developers early in the design stage is a customary process that departments allow so they may review initial details of a proposal and offer initial comments/concerns. The following department heads and Town Officials were present at the meeting on September 13th:

Selectman Chairman Jim O'Neil  
Selectman Vice Chairman Nancy Mackenzie  
Town Administrator  
Town Counsel  
Fire Chief  
Police Chief

School Superintendent  
School Business Manager  
Assistant Town Administrator  
Conservation Agent  
Board of Health Director  
Deputy Board of Health Director  
Deputy Fire Chief

Building Commissioner  
Town Appraiser  
DPW Director  
Sewer and Water Superintendent

Town Engineer  
Assistant Town Engineer  
Deputy Building Commissioner

At the September 13th meeting the Developer presented Town officials with the proposed development. Officials were given the opportunity to ask questions and raise concerns relating to the impacts this project is expected to have. Specifically those questions, comments and concerns related to public safety, schools, traffic, infrastructure, conservation, wetlands, the impact this will have on the new train line and in general the South Walpole area. At the conclusion of the meeting, the attending Selectmen and the Town Administrator urged the Developer to host a public information meeting and present their project to the community to allow the public dialog to begin early. The Developer agreed to host a meeting and the Town Administrator offered Boyden School as a meeting location. As Omni Properties is the proponent of this project, it was made clear that Omni Properties was hosting this meeting and that this was not a Town-hosted public forum. Any attendance by public officials was for fact-finding purposes only.

On September 25th Town officials attended a site visit with the developers and State officials, pursuant to the requirements of the 40B Eligibility Determination Phase.

On October 2nd a meeting was held with residents and the developer at the Boyden School.

Comments on the proposed development are currently due to Mass Housing on October 14, 2019 but the Town has requested that date be extended. Mass Housing, to date, has extended the deadline to November 1, 2019.

- 3) Did all Dept Heads attend a meeting with OMNI in early September? WFD, WPD, Sewer and Water etc and schools-were they present?

Response - See previous response.

- 4) What has changed since that meeting and since the public meeting at Boyden on 10/2?

Response - The developer has indicated that they expect to buy the Baker Hughes site this Fall.

- 5) Please explain the 300 unit limit and the BOS vote needed if a developer proposes more than 300 units. Is Omni proposing 420 units now? Why was this not brought up at the Boyden meeting?

Response – The Department of Housing and Community Development have implemented regulations, 760 CMR 56.00, Comprehensive Permits, Low or Moderate Income Housing. 760 CMR 56.03(6) provides the Town the ability to deny a “Large Project” which, with regard to Walpole (housing units total 8,984) is defined as follows:

- (a) in a municipality which has a total number of 7,500 or more housing units (as determined in accordance with 760 CMR 56.03(3)(a)), the application for a Comprehensive Permit involves construction of more than 300 housing units or a number of housing units equal to 2% of all housing units in the municipality, whichever number is greater; or

Further the Developer has sent in an email to the Town Administrator on 9/24/19 which states the following:

*“55 SS LLC’s planned purchase of the adjacent 25+/- acres from Baker Hughes offers the town the opportunity to get closer to, or above 10% SHI units based on the estimated 2020 census. According the town’s s Housing Production Plan (last sentence on page 46 see attached HPP) the town needs 358 SHI units to be above 10 % and be protected from 40B projects for ten years based on the 2020 census. With the addition of the 25 acres, we believe the land can accommodate up to 420 units which could include 60 ownership town home units and 360 rental units. This combination of units would produce 375 SHI units. The 375 SHI units result because 100 % of the rental and 25% of the ownership units count toward SHI under the 40B regulations. For clarity I have attached a crude plan which shows the land we now own in yellow and the adjacent 25 acres in brown.*

*In order for the project unit count to increase, the Select Board would have to waive the “Large Project Safe Harbor”. If the select board decides against the waiver, my company will use the additional land to permit 60 ownership single family and duplex homes instead of 60 town homes/row houses. We expect the market single and duplex units will will sell at a higher price point than the townhome/row houses to help absorb extra land and site costs. If the town does decide to offer the waiver, we are open to discussions regarding the scope of the increase.*

*Save for a final title commitment which I expect to receive within a week, all of our due diligence is complete. I expect we will close on the property before the end of the year.*

*Waiver or not my group has decided it will be a better project with the adjacent land incorporated and we look forward to working with the town toward a successful project.”*

The Board of Selectmen is set to discuss this matter on October 15<sup>th</sup>.

6) How did OMNI get all the permits so fast?

Response – The permits have not been granted. Entry to the comprehensive permit process begins with a Project Eligibility Letter (“PEL”) application to a Subsidizing Agency. For this project the developer has chosen to file their application with Mass Housing. The application includes basic components such as site location and description, the proposed buildings and approximate number of units, preliminary development pro forma, conceptual site plans, and evidence of site control. After receiving a PEL application, Mass Housing notifies the municipality and starts the clock on a 30-day comment period. The Subsidizing Agency will issue a decision after the close of a local comment period. The Developer, the municipality, and the ZBA receive a copy of the PEL.

The Town has sent in a request to Mass Housing to request an extension to the deadline for which the Town can to submit comments to Mass Housing due to the fact that the developer is going to acquire the Baker Hughes site located directly next to the property. This will have a major impact on the project scope and Town official will to need to see the plans and proposed layout of the project.

As of the writing of this response the Town is waiting for Mass Housing to respond to the extension request.

7) How much is town counsel involved in this? I

Response – Town Counsel has been involved since the Town administrator received the call on September 4<sup>th</sup> from Attorney Gellerman. Town Counsel will be involved throughout the entire process.

8) How do other towns stop 4-5 story buildings not in character with the town (Medfield, Wellesley)

Response – I cannot respond to this question because I do not know the facts involved in these particular situations.

9) Explain the Affordable Housing formula, how it is calculated, what effect the 2020 census will have on Walpole’s numbers etc.

Response – Please see the attached 40B informational guide and review the Town’s Affordable Housing Plan.

10) Are town officials supporting this project?

Response – This project is not being sponsored by any Town officials. The Town has yet to receive the comprehensive permit application for this project.

**B. Traffic:**

- 1) Can the town request another outlet other than having exit/entrance both on Summer St? Such as Winter St, Industrial Road?

Response – At the time the Town is not aware of any other access roads to the entire site. The site does not connect to Winter St. or Industrial Road.

- 2) Will the town request an independent traffic study? What about no sidewalks on most of Summer St and the fact that it is a windy country road? This is not a good fit for the area. And, are people really going to walk to the station at Gillette??

Response – Yes the Town will have an independent traffic study conducted. It is expected that pedestrian safety will need to be addressed. The Town will highlight and ask for Mass Housing to consider this when they are considering the project eligibility. If it is not addressed by Mass Housing Town officials will bring their concerns to the ZBA during the permitting process. Please note that 760 CMR 56.05(5) allows that Town to conduct its own technical review in such areas as civil engineering, transportation, environmental resources, design review of buildings and the site which is funded by the Developer.

- 3) Traffic study during Patriots games and concerts?

Response – The Town will be asking Mass Housing to require a traffic study during Patriots events. If it is not addressed by Mass Housing, Town officials will bring their concerns to the ZBA and request that they mandate a traffic study be conducted.

- 4) Traffic study should be done after the train starts and be done for 3 to six months and be very thorough including many neighboring streets and definitely the traffic pattern to Boyden and around South Walpole Common.

Response – The Town will request Mass Housing to conduct a traffic study once the train service is started to Gillette Stadium. If it is not addressed by Mass Housing Town officials will bring their concerns to the ZBA and request that this is considered.

- 5) Should traffic onto ROUTE ONE, a state road be included?

Response –The Town will ask Mass Housing to consider the Route 1 area as part of the required traffic study.

- 6) Do a feasibility study for a rotary at South Walpole common- too many near miss accidents at Washington and Water St. Or come up with a different solution for this dangerous intersection.

Response – At this time there is no proposal to change the South Walpole Common.

- 7) Is there a plan for a train stop to be added in the future?  
Response – the Town is not aware of a train stop at this location. The Town has asked the Developer if they have spoken to the MBTA about the possibility of a new stop and their response was “no”.
- 8) Will traffic lights, stop signs and sidewalks be added? (for safety) Who will pay for these?  
Response – The current plan that was provided by the Developer does not include any improvements outside of the developer’s property. During the ZBA process, traffic and pedestrian safety will be analyzed and any improvements will be paid for by the Developer.
- 9) How will Summer St area handle 300-600 new cars with the train also coming?  
Response – The Town shares this concern. It will be raised to Mass Housing and during the ZBA permitting process.
- 10) Have neighboring towns been notified of this plan as many cars from other towns travel on Summer St daily (Franklin, Norfolk, Wrentham, Foxboro etc.)  
Response – The Town has not directly notified neighboring Towns.

**C. Project Plans:**

- 1) How can we negotiate to reduce the size of the project?  
Response – The size of the project will likely come up during the ZBA permitting process.
- 2) How can we reduce the number of 3BR units?  
Response – The number of units will likely come up during the ZBA permitting process, however, please note that the State Interagency Agreement Regarding Housing Opportunities for Families with Children (January 17, 2014) require that 10% of development units must have 3 or more bedrooms.
- 3) Would the developer consider making this project all ownership homes, no rentals?  
Response – The developer has made it clear to the Town that their intentions going forward are for 240 rental apartment units and 60 owner occupied units.
- 4) Can we use the character of the neighborhood to influence these decisions? Buildings are too high, Summer St frontage is too small  
Response - This will likely come up during the ZBA permitting process.

- 5) Explain the process if the developer goes over 300 units. Does Omni have to go back to the state to have more units approved?

Response – See response A. 6. The Town would need to grant a waiver for the safe harbor. This request would likely be considered by the Board of Selectmen.

- 6) What can we “make” the developer do for South Walpole?

Response – The ZBA is the permit granting authority in this particular situation and all conditions would need to be approved by that Board.

- 7) What can the town “make” the developer do as it relates to traffic, safety, water, schools etc?

Response – The ZBA is the permit granting authority in this particular situation and all conditions would need to be approved by that Board.

- 8) The land needs to be tested by an independent source, will this happen?

Response – The ZBA may want to consider this concern during the permitting process.

- 9) Who pays for that?

Response – Without knowing the scope of the investigation, this cannot be answered at this time. However, please see the response to B. 2 above.

- 10) How can the state help? How do we approach the state?

Response – As previously stated Mass Housing is considering this project as part of their site eligibility process. Residents would be directed to Mass Housing and Walpole’s State delegation to voice their concerns at the State level.

- 11) What was the process that Omni went thru with the state? Any loopholes?

Response – See response A. 6

- 12) Who is responsible for this project/contact person in Walpole?

Response – the Zoning Board of Appeal will eventually consider this project.

- 13) Is there another meeting scheduled with Omni and Dept Heads?

Response – As of the writing of this response there is not.

- 14) What happens to all of the wildlife that is getting displaced?

Response – This can/will be brought up when the Conservation Commission considers this project.

15) Can we see what was submitted to Conservation and any documents between Omni and our Conservation Committee? Also and communications that have taken place with Walpole's Town Engineer?

Response – The Conservation Commission did delineate the wetlands for the site this past Summer. At the time of the delineation request the Conservation Commission was not informed that this site was being developed. The former Town Engineer retired and the new Town Engineer started in September 2019. Other than the September 13, 2019 meeting and September 25, 2019 site visit, there has been no communications between the developer and the Town Engineer.

16) Can we get a copy of the Medfield 40B that was turned down and get specifics as to why it was not appropriate for a 40B plus obtain all the comments made by the town on the project?

Response – The Town of Walpole does not have a copy of this decision.

17) What will be the daily schedule of the build of this project? Hours? Weekends?

Response – See previous responses. There is no schedule at this time.

**D. Public Safety:**

1) How safe is having the only entrance and exit to this complex right at the train tracks? How is it possible to have so many cars exiting and entering from one spot esp during rush hour.

Response – The Town shares this concern. These concerns will be relayed to Mass Housing. If it is not addressed by Mass Housing, Town officials will bring their concerns to the ZBA and request that this is considered during the permitting process.

2) Is there no other possible access road?

Response – see response B. 1.

3) Will emergency vehicles be able to easily access the complex and the neighborhoods in South Walpole? Please take the 20 round trips of the train into consideration.

Response – Town officials have already expressed this concern to the Developer. The Developer will be required to ensure that emergency vehicles can traverse the property.

4) What do Police and Fire think about this project? What are their concerns?

Response – the Police and Fire Departments concerns, questions and comments will be included in the letter to Mass Housing. As of the writing of this response the following comments have been provided:

### **Fire**

- I. This is a very large complex with 300 units of housing and is very similar to the Preserve at 100 Hilltop Drive which has the same number of units. The Preserve has been operational since 2004 and to date the Fire Department has responded to 801 Emergency calls which is an average of 50 calls per year. This number does not include any fire prevention activities.
- II. Site Access must comply with 527 CMR 1.
- III. The turning radius from Summer Street into the complex will need to accommodate our largest piece of apparatus which is Tower 1, (Template can be provided).
- IV. Turning radius into Clubhouse and Pool must accommodate fire apparatus.
- V. Turning radius in Building 1 parking lot must allow for turning of fire apparatus.
- VI. All wetland crossings must accommodate the weight of Tower 1 which is 80,000 pounds.
- VII. The roadway ends just after Building 4 and needs to be reconfigured to allow for the turning of fire apparatus.
- VIII. The roadway to Buildings 1-4 needs to be looped to the Townhouse portion of the development while maintaining turning radius for fire apparatus.
- IX. The proposed gravel access will need to accommodate the largest piece of fire apparatus which is 80,000 pounds and be maintained year round.
- X. The proposed name of Cedar Drive will need to be changed as we already have a Cedar Street.

### **Police –**

- I. The Chief is requesting that the Developer conduct a public safety resources impact study. The Police and Fire Departments have been experiencing problems in other complexes in Walpole. Projects such as this one are going to consume resources. The Developer needs to identify and address this early in the permitting process.

- II. The Walpole Police Department responds to all public safety calls for service, and emergencies including all calls requiring fire, EMS, police & utility service emergencies. Other complexes of this size create substantial use of each of these resources and increases call volume. The sector car assigned to sector 2 covers a large geographic area. There is no doubt that this project will require additional police resources.
- III. The entrance/exit to the complex is extremely close to the train tracks. The location of the entrance/exit, intersects with Summer Street, directly adjacent to the MBTA Foxboro Train pilot program (at grade crossing) set to start and likely to be permanent. This will be a high-speed train crossing with functioning street gates, which will cause traffic to stop and back up at the gates well past the entrance/exit and likely cause a confusing traffic pattern. The entrance/exit currently on plans should be re-evaluated.
- IV. This complex is adjacent to the MBTA tracks where trains will be traveling through at 45-60mph. With the amount of units and number of young children in the complex and playing in the area, the complex would need significant safeguards to protect children and provide barriers between the complex and trains.
- V. Depending on number of kids, and taking into consideration the train issue, even with the gates and crossings, a crossing guard will be required at the crossing. Development's association will be required to pay for the costs associated with the crossing guard.
- VI. Summer Street has inadequate street lighting.
- VII. Summer Street infrastructure including sidewalk connections to Delapa Circle area not adequate. Roadway is hilly, windy, and can be unsafe crossing the street or for vehicular travel. More sidewalks and improved signage and infrastructure will be needed.
- VIII. Onsite management will be required for public safety emergencies. Access to buildings for police emergencies is imperative. The Police Department will require a police lock box.
- IX. Surveillance camera system (such as at Alta Easterly Apartments) are vital for onsite public safety matters. This will be required
- X. Location of apartments proximate to stadium adds unique issues of traffic volume in South Walpole, pedestrian traffic, and parking violations effecting public safety resources. This all needs to be factored into the development of this site.

5) How under staffed will Police and Fire be?

Response – Both the Police and Fire Chiefs have advocated for additional staffing long before this project was proposed. Over the last 5 years the Town has tried to grow each department in anticipation of the downtown projects coming on line.

The Police Chief has noted over the last several years that the FBI recommends that a community have a minimum of 2 officers per 1000 residents. Last year the Town was able to add one new officer position to the police budget which brought the total number of sworn officers in Walpole from 43 to 44.

For the Fire Department, the Town was able to successfully negotiate new language in the Walpole Firefighters contract that allowed the Town to increase our minimum, on duty, staffing levels from 7 firefighters per shift to 8 on all 4 groups. We have also been actively trying to increase the staffing levels for the Fire Department to meet the NFPA (National Fire Protection Association) standard. Currently we have been able to add an additional 6 Firefighters which brings us to 9 Firefighters on 2 groups and 10 Firefighters on 2 groups. The Fire Chief would ultimately like to see 16 Firefighters on all 4 groups operating out of 2 stations. The call volume for the department has increased by 19.5% since 2014 and most of the major projects that are underway are still in the construction phase or in an active review process. This number will only increase once everything is complete.

From Fiscal Year 2019 to Fiscal Year 2020 the Walpole Fire Department budget increased \$167,000 or just about 4.1%. It is my hope that over the next few years that we will continue to grow the Walpole Fire Department to keep up with the community's growing population.

6) How safe will it be for children in this development and the surrounding areas to walk to Boyden?

Response – As previously stated the Town will be advocating for improved pedestrian safety for this project.

#### **E. Schools:**

1) How can we believe the accuracy of the projected numbers on the schools? What are these numbers? Overpopulation at Boyden and BMS? This project has 60 single family homes with 3 BRs-how many 3BR units does the Preserve have?

Response – At this time the Town is not in a position to provide a response to this question until a detailed Economic Impact Analysis is conducted.

- 2) What does School Committee think of this plan?  
Response — At this time the School Committee has not formally weighed in on the proposed project.
- 3) How does this affect the middle school plan? Can SC write a statement about the challenges this development would cause for the schools?  
Response – It has yet to be determined how this development will impact the middle schools in Walpole.
- 4) What is going on at The Preserve? Is it still a 40B?  
Response – The Preserve is still a 40B project that counts towards the Town's affordable housing inventory.
- 5) Can Boyden handle the influx of students?  
Response – At this time the Town is not in a position to provide a response to this question until a detailed Economic Impact Analysis is conducted.

**F. Water Supply:**

- 1) How will this project and all the other units coming online around town affect our water supply?  
Response – Please see the attached 40B informational guide and review the Town's Affordable Housing Plan.
- 2) We would like to hear from Sewer and Water Commission, what are their concerns?  
Response – The Sewer and Water Commissioners have not formally weighed in on the proposed project. The Commissioners will provide comment and express any concerns to MA Housing and the ZBA as the process moves forward. The same will be done for sewer and storm water related matters.
- 3) What effect will building around wetlands have? Will water back up into basements?  
Response – This will be brought up during the Conservation Commission hearing process.
- 4) Are the wetlands being infringed upon? How is Omni able build around wetlands? Are there no protected lands on the property?  
Response – This will be brought up during the Conservation Commission hearing process.

5) Has Sewer and Water assessed how water and sewer services will be affected?

Response - At this time the Sewer and Water Commissioners have not formally weighed in on the proposed project. The Water and Sewer Superintendent has provided the following feedback:

- I. The Sewer and Water Department will need a definitive site plan which includes the intended infrastructure. A looped water system is imperative.
- II. Sewer and Water has used title V calculations for the 60,100 gals/day of demand on the water distribution system. Walpole is soon to be issued an Order to Complete by the Department of Environmental Protection, for its Water Withdrawal Permit. The Water Department anticipates that the Water Withdrawal Permit will be reduced by a considerable amount. This project may tax that new permitted regulation.
- III. A Peer review will be required to evaluate the impacts this project will have on the existing infrastructure.

**G. TIMEFRAME:**

1) What is the timeframe? What are the deadlines the town has to formulate a strong plan to fight this?

Response – Please see the attached 40B informational guide.