

(TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED:  
TORT - MOTOR VEHICLE TORT - CONTRACT -  
EQUITABLE RELIEF - OTHER)

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT  
CIVIL ACTION

NO.

21 862

William M. Hamilton, Plaintiff(s)

v.

Walpole Zoning Board of Appeals, Defendant(s)

SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon William M. Hamilton, plaintiff's attorney, whose address is 45 Eldor Drive, South Walpole, MA 02071, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Dedham either before service upon the plaintiff's attorney or within a reasonable time thereafter.


Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WITNESS, Heidi E. Brieger Esquire }, at \_\_\_\_\_ the 17<sup>th</sup>  
day of September, in the year of our Lord two thousand and 21

Heidi E. Brieger Clerk.

NOTES:

1. This summons is issued pursuant to Rules 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each such defendant, each should be addressed to the particular defendant.

<b>CIVIL ACTION COVER SHEET</b>		<b>DOCKET NUMBER</b>	<b>Trial Court of Massachusetts</b> <b>The Superior Court</b>		
			<b>COUNTY</b>		
<b>Plaintiff</b> William M Hamilton			<b>Defendant:</b> Walpole Zoning Board of Appeals		
ADDRESS: 45 Eldor Drive			ADDRESS: 135 School Street		
South Walpole, MA 02071			Walpole, MA 02081		
<b>Plaintiff Attorney:</b>			<b>Defendant Attorney:</b>		
ADDRESS:			ADDRESS:		
BBO:			BBO:		

**TYPE OF ACTION AND TRACK DESIGNATION (see instructions section below)**

<b>CODE NO.</b>	<b>TYPE OF ACTION (specify)</b>	<b>TRACK</b>	<b>HAS A JURY CLAIM BEEN MADE?</b>
E02	Appeal from Administrative Agency, G.L. c. 30A	X	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

\*If "Other" please describe: \_\_\_\_\_

Is there a claim under G.L. c. 93A?

☐ YES    ☒ NO

Is there a class action under Mass. R. Civ. P. 23?

☐ YES    ☒ NO

**STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A**

The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff's counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

**TORT CLAIMS**

A. Documented medical expenses to date

1. Total hospital expenses	
2. Total doctor expenses	
3. Total chiropractic expenses	
4. Total physical therapy expenses	
5. Total other expenses (describe below)	
Subtotal (1-5):	<b>\$0.00</b>

B. Documented lost wages and compensation to date

C. Documented property damages to date

D. Reasonably anticipated future medical and hospital expenses

E. Reasonably anticipated lost wages

F. Other documented items of damages (describe below)

TOTAL (A-F):

**\$0.00**

G. Briefly describe plaintiff's injury, including the nature and extent of injury:

**CONTRACT CLAIMS**

☐ This action includes a claim involving collection of a debt incurred pursuant to a revolving credit agreement. Mass. R. Civ. P. 8.1(a).

Item #	Detailed Description of Each Claim	Amount
1.		
Total		

Signature of Attorney/Unrepresented Plaintiff: X William M Hamilton

Date: 9/17/2021

**RELATED ACTIONS:** Please provide the case number, case name, and county of any related actions pending in the Superior Court.

**CERTIFICATION PURSUANT TO SJC RULE 1:18**

I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.

Signature of Attorney/Unrepresented Plaintiff: X \_\_\_\_\_ Date: \_\_\_\_\_

# CIVIL ACTION COVER SHEET INSTRUCTIONS

## SELECT CATEGORY THAT BEST DESCRIBES YOUR CASE

### AC Actions Involving the State/Municipality \*

- AA1 Contract Action involving Commonwealth, Municipality, MBTA, etc. (A)  
 AB1 Tortious Action involving Commonwealth, Municipality, MBTA, etc. (A)  
 AC1 Real Property Action involving Commonwealth, Municipality, MBTA etc. (A)  
 AD1 Equity Action involving Commonwealth, Municipality, MBTA, etc. (A)  
 AE1 Administrative Action involving Commonwealth, Municipality, MBTA, etc. (A)

### CN Contract/Business Cases

- A01 Services, Labor, and Materials (F)  
 A02 Goods Sold and Delivered (F)  
 A03 Commercial Paper (F)  
 A04 Employment Contract (F)  
 A05 Consumer Revolving Credit - M.R.C.P. s.1 (F)  
 A06 Insurance Contract (F)  
 A08 Sale or Lease of Real Estate (F)  
 A12 Construction Dispute (A)  
 A14 Interpleader (F)  
 BA1 Governance, Conduct, Internal Affairs of Entities (A)  
 BA3 Liability of Shareholders, Directors, Officers, Partners, etc. (A)  
 BB1 Shareholder Derivative (A)  
 BB2 Securities Transactions (A)  
 BC1 Mergers, Consolidations, Sales of Assets, Issuance of Debt, Equity, etc. (A)  
 BD1 Intellectual Property (A)  
 BD2 Proprietary Information or Trade Secrets (A)  
 BG1 Financial Institutions/Funds (A)  
 BH1 Violation of Antitrust or Trade Regulation Laws (A)  
 A99 Other Contract/Business Action - Specify (F)

\* Choose this case type if ANY party is the Commonwealth, a municipality, the MBTA, or any other governmental entity UNLESS your case is a case type listed under Administrative Civil Actions (AA).

† Choose this case type if ANY party is an incarcerated party, UNLESS your case is a case type listed under Administrative Civil Actions (AA) or is a Prisoner Habeas Corpus case (E97).

### ER Equitable Remedies

- D01 Specific Performance of a Contract (A)  
 D02 Reach and Apply (F)  
 D03 Injunction (F)  
 D04 Reform/ Cancel Instrument (F)  
 D05 Equitable Replevin (F)  
 D06 Contribution or Indemnification (F)  
 D07 Imposition of a Trust (A)  
 D08 Minority Shareholder's Suit (A)  
 D09 Interference in Contractual Relationship (F)  
 D10 Accounting (A)  
 D11 Enforcement of Restrictive Covenant (F)  
 D12 Dissolution of a Partnership (F)  
 D13 Declaratory Judgment, G.L. c. 231A (A)  
 D14 Dissolution of a Corporation (F)  
 D99 Other Equity Action (F)

### PA Civil Actions Involving Incarcerated Party †

- PA1 Contract Action involving an Incarcerated Party (A)  
 PB1 Tortious Action involving an Incarcerated Party (A)  
 PC1 Real Property Action involving an Incarcerated Party (F)  
 PD1 Equity Action involving an Incarcerated Party (F)  
 PE1 Administrative Action involving an Incarcerated Party (F)

### TR Torts

- B03 Motor Vehicle Negligence - Personal Injury/Property Damage (F)  
 B04 Other Negligence - Personal Injury/Property Damage (F)  
 B05 Products Liability (A)  
 B06 Malpractice - Medical (A)  
 B07 Malpractice - Other (A)  
 B08 Wrongful Death - Non-medical (A)  
 B15 Defamation (A)  
 B19 Asbestos (A)  
 B20 Personal Injury - Slip & Fall (F)  
 B21 Environmental (F)  
 B22 Employment Discrimination (F)  
 BE1 Fraud, Business Torts, etc. (A)  
 B99 Other Tortious Action (F)

### RP Summary Process (Real Property)

- S01 Summary Process - Residential (X)  
 S02 Summary Process - Commercial/ Non-residential (F)

### RP Real Property

- C01 Land Taking (F)  
 C02 Zoning Appeal, G.L. c. 40A (F)  
 C03 Dispute Concerning Title (F)  
 C04 Foreclosure of a Mortgage (X)  
 C05 Condominium Lien & Charges (X)  
 C99 Other Real Property Action (F)

### MC Miscellaneous Civil Actions

- E18 Foreign Discovery Proceeding (X)  
 E97 Prisoner Habeas Corpus (X)  
 E22 Lottery Assignment, G.L. c. 10, § 28 (X)

### AB Abuse/Harassment Prevention

- E15 Abuse Prevention Petition, G.L. c. 209A (X)  
 E21 Protection from Harassment, G.L. c. 258E(X)

### AA Administrative Civil Actions

- E02 Appeal from Administrative Agency, G.L. c. 30A (X)  
 E03 Certiorari Action, G.L. c. 249, § 4 (X)  
 E05 Confirmation of Arbitration Awards (X)  
 E06 Mass Antitrust Act, G.L. c. 93, § 9 (A)  
 E07 Mass Antitrust Act, G.L. c. 93, § 8 (X)  
 E08 Appointment of a Receiver (X)  
 E09 Construction Surety Bond, G.L. c. 149, § 29, 29A (A)  
 E10 Summary Process Appeal (X)  
 E11 Worker's Compensation (X)  
 E16 Auto Surcharge Appeal (X)  
 E17 Civil Rights Act, G.L. c.12, § 11H (A)  
 E24 Appeal from District Court Commitment, G.L. c.123, § 9(b) (X)  
 E25 Pleural Registry (Asbestos cases) (X)  
 E94 Forfeiture, G.L. c. 265, § 56 (X)  
 E95 Forfeiture, G.L. c. 94C, § 47 (F)  
 E99 Other Administrative Action (X)  
 Z01 Medical Malpractice - Tribunal only, G.L. c. 231, § 60B (F)  
 Z02 Appeal Bond Denial (X)

### SO Sex Offender Review

- E12 SDP Commitment, G.L. c. 123A, § 12 (X)  
 E14 SDP Petition, G.L. c. 123A, § 9(b) (X)

### RC Restricted Civil Actions

- E19 Sex Offender Registry, G.L. c. 6, § 178M (X)  
 E27 Minor Seeking Consent, G.L. c.112, § 12S(X)

**TRANSFER YOUR SELECTION TO THE FACE SHEET**

### EXAMPLE:

CODE NO.	TYPE OF ACTION (specify)	TRACK	HAS A JURY CLAIM BEEN MADE?
B03	Motor Vehicle Negligence-Personal Injury	<u>F</u>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

## STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A

**DUTY OF THE PLAINTIFF** - The plaintiff shall set forth, on the face of the civil action cover sheet (or attach additional sheets as necessary), a statement specifying the facts on which the plaintiff relies to determine money damages. A copy of such civil action cover sheet, including the statement as to the damages, shall be served with the complaint. **A clerk-magistrate shall not accept for filing a complaint, except as otherwise provided by law, unless it is accompanied by such a statement signed by the attorney or self-represented litigant.**

**DUTY OF THE DEFENDANT** - If the defendant believes that the statement of damages filed by the plaintiff is inadequate, the defendant may file with his/her answer a statement specifying the potential damages which may result if the plaintiff prevails.

**A CIVIL COVER SHEET MUST BE FILED WITH EACH COMPLAINT.  
 FAILURE TO COMPLETE THIS COVER SHEET THOROUGHLY AND ACCURATELY  
 MAY RESULT IN DISMISSAL OF THIS ACTION.**

# Commonwealth of Massachusetts

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION NO.:

WILLIAM M. HAMILTON

,

PLAINTIFF

v.

COMPLAINT

Walpole Zoning Board of Appeals  
DEFENDANT

## COMPLAINT

### Introduction

This action is brought pursuant to M.G.L. c. 40A § 17 by the above plaintiff, William M. Hamilton, as he is aggrieved by the decision of the defendant, Walpole Zoning Board of Appeals, approving the site plan submitted by 55 SS, LLC at the property 51, 53, and 55 Summer Street, Walpole, Massachusetts dated January 10, 2020, revised March 31, 2021.

### PARTIES

1. Plaintiff (hereinafter "Plaintiff"), William M. Hamilton, is an individual who is a resident of the Town of Walpole and resides at 45 Eldor Drive, South Walpole, Norfolk County, Massachusetts.
2. Defendant, Walpole Zoning Board of Appeals, is a permit granting authority appointed by the Select Board and has a business address of 135 School Street, Walpole, Norfolk County, Massachusetts.

### FACTUAL ALLEGATIONS

3. An application for a Comprehensive Permit was submitted by 55 SS, LLC ("Applicant") to the Walpole Zoning Board of Appeals ("Board") on January 15<sup>th</sup>, 2020. As originally proposed by the Applicant, the project consisted of the construction of two-hundred and forty (240) rental apartments and sixty (60) single-family home ownership units (the "Project") totaling 300 units on property located at 51, 53, and 55 Summer Street, Walpole, Massachusetts (the "Property"). The rental portion of the Project, labeled "Cedar Crossing", consisted of four (4) four-story buildings (each containing forty-eight (48) units with parking under) and forty-eight (48) rental townhomes. The rental apartments would

consist of one-hundred and twelve (112) one-bedroom units and eighty (80) two-bedroom units, and the rental townhomes will consist of twenty-four (24) two-bedroom units and twenty-four (24) three-bedroom units. The single-family home ownership portion of the Project, labeled "Cedar Edge", consists of three-bedroom single-family homes.

4. During the hearing process, the Applicant revised the Project. A plan dated January 27, 2021 depicts Lot 1 (Cedar Crossing) having the apartments in two (2), six-story buildings with parking under: Building 1 containing one hundred eight (108) units; and Building 2 containing eighty-four (84) units. There are additionally fifty-two (52) rental townhouses in eleven (11) buildings. Lot 2 (Cedar Edge) contained of sixteen (16) townhouse units within eight (8) duplex style buildings and forty (40) single-family homes. Lots 1 and 2 totaled 300 units. There are 400 bedrooms in the buildings on Lot 1 and 149 bedrooms in the buildings on Lot 2 for a total of 549 bedrooms.
5. The Board's hearing on the application was duly opened on March 4, 2020 and was continued April 15, 2020 (no testimony taken); May 20, 2020 (No testimony taken); June 17, 2020 (no testimony taken); July 27, 2020; August 17, 2020; August 26, 2020 (no testimony taken); September 21, 2020; October 5, 2020; November 2, 2020; November 5, 2020; November 9, 2020; November 30, 2020; January 6, 2021; February 10, 2021; February 22, 2021; March 1, 2021; March 15, 2021; and March 29, 2021. The hearing was closed on March 29, 2021. The Board deliberated on the application on April 5, 2021 and April 14, 2021.
6. The Project is located at 51, 53, and 55 Summer Street, Walpole, Massachusetts and is identified on Walpole Assessors Map 52, Parcel 59, Parcel 60 and a portion of Parcel 78.
7. The Board utilized the services of Tetra Tech, Inc for civil, stormwater peer review and traffic peer review. Tetra Tech concluded that: "Based on information and commitments received from the Applicant it is our current opinion that comments have either been resolved or can otherwise be addressed through a permit condition provided that compliance is documented and confirmed in the Final Plans submittal." A copy of the revised Comprehensive Permit (40B) Peer Review is attached hereto as Exhibit A.
8. During the hearings, there was significant public input on a number of neighborhood concerns. The Board heard input from abutters and other interested persons throughout the hearing process on topics including, but not limited to, the density of the Project, increased traffic and safety concerns.
9. A Decision was filed with the Town Clerk on April 27<sup>th</sup>, 2021. The Applicant appealed the Decision to the Housing Appeals Committee ("HAC") on May 12, 2021. After the Conference of Counsel, the HAC issued an Order of Referral to Mediation on May 28<sup>th</sup>, 2021. The parties conducted mediation on July 12, 2021. On July 14, 2021, the Board met in executive session to discuss settlement based on a revised plan, conditions and waivers and voted to approve a Revised Decision. A copy of the Decision attested by the Town Clerk is attached hereto as Exhibit B.

## COUNT I

### Appeal for Judicial Review Pursuant to M.G.L. c. 40A § 17

10. Plaintiff repeats and alleges the allegations contained in paragraphs 1 through 9 above as if fully set forth herein.
11. Under the Feb. 18, 2021 Update on page 9 of Exhibit A, Tetra Tech states, "To ensure reasonable offsets are maintained we recommend any decision approving a comprehensive permit include a condition requiring the Project to maintain at least 30 feet separation between any home or connecting driveway or walkway and the limit of inundation during 100-year storm event of any above grade stormwater management feature and that the limit of inundation be shown on the Final Plans or supplementary figure." In Exhibit B paragraph H.7, the language states, "The Final Plans must depict at least 20 feet of separation between any building or connecting driveway or walkway and limit of inundation during 100-year storm event of any above grade stormwater management feature and that the limit of inundation be shown on the Final Plans or supplementary figure. Tetra Tech's resolution relied on the Decision aligning with their recommendation.
12. In Exhibit B, paragraph 23 states, "With regard to Local Concern related to promoting better site and building design in relation to the surroundings, the Architectural Peer Reviewer noted that the surrounding existing residential uses appear to be small scale, single family homes, there are no multi-family residential developments close to the scale of the proposed Project and even the Project's five (5) single-family homes (located along Summer Street) are placed very close to each other relative to other homes in the area." The Town of Walpole desperately needs and wants more affordable housing. However, this site plan only contains a small percentage of affordable units for the 549 bedrooms on the plan. If the Board was more committed to helping increase Walpole availability of affordable housing, it should have taken steps to work with 55 SS, LLC to have more affordable units inside an area that resembles the neighborhood around it. 55 SS, LLC understood this and originally submitted a plan that limited their buildings to four stories. This site plan will make this development seem separate from the Town with their own trash pickup, snow removal, housing design, and five story buildings. South Walpole wants to add a development that would be affordable and exist within the atmosphere of the existing neighborhood.

WHEREFORE, plaintiff hereby requests that this court grant the following relief;

1. Pursuant to M.G.L. c. 40A § 17, annul the decision by the Board; and
2. Grant such other and further relief as this court may deem just and appropriate.

Dated: September 17, 2021

Respectfully submitted,

The Plaintiff,

A handwritten signature in black ink, appearing to read 'William M. Hamilton', written in a cursive style.

---

William M Hamilton  
45 Eldor Drive  
South Walpole, MA 02071  
617 512 4052

# Exhibit A



**TETRA TECH**

April 10, 2020  
November 16, 2020 (Update)  
February 18, 2021 (Update)

Mr. John Lee, Chairman  
135 School Street  
Walpole, MA 02081  
United States

**Re: Cedar Crossing Apartments and Cedar Edge Condominiums  
Comprehensive Permit (40B) Peer Review  
Walpole, Massachusetts**

Dear Mr. Chairman:

Tetra Tech (TT) has reviewed specific submittal materials for the above-referenced Project to assist the Town of Walpole Zoning Board of Appeals (Board) in its Comprehensive Permit review of the proposed Cedar Crossing and Cedar Edge developments. The following letter provides comments generated during our review of Applicant submittals and generally focuses on substantive concerns that speak to issues whose eventual resolution may substantially impact Project design or could otherwise result in potentially unsafe conditions or unanticipated impacts.

The comments below are intended to guide discussion as well as inform development of the revised plans and we expect to provide more detailed comments as the design and discussion advances. Our review is based on materials received from the Board comprising the following pertinent documents:

- A Comprehensive Permit Application package prepared by 55 SS LLC.
- A plan (Site Plans) set titled "Site Plan for Proposed Multifamily Development, 51-53-55 Summer Street, Walpole, MA", dated January 10, 2020, prepared by Howard Stein Hudson (HSH).
- An architectural plan set dated January 7, 2020, prepared by Mangel Architects, Inc. (MAI).
- A Stormwater Management Report (Stormwater Report) dated January 10, 2020, prepared by HSH.
- A Traffic Impact Assessment (TIA) titled "Traffic Impact and Access Study, Proposed Residential Development, 55 Summer Street, Walpole, MA" dated January 6, 2020, prepared by Bayside Engineering (BSE).
- A memorandum assessing the proposed pedestrian volumes associated with the Project, dated March 10, 2020, prepared by BSE.
- Comment letters from Town Boards, Commissions and Departments.

The Plans and accompanying materials were reviewed for good engineering practice, overall site plan efficiency, stormwater, utilities, traffic and public safety. In general, the plans and supporting materials were well prepared and we appreciate the clarity and completeness of documents provided. Our initial comments are provided below.

#### **TT 11/16/2020 Update**

Over the course of the last several months the Applicant and its consulting team have been making iterative and fluid changes to the proposed plans culminating in the most recent plan submittal dated October 14, 2020. The applicant has also been providing supplementary information generally in response to comments received during the review process up to and including the following information:

Infrastructure Northeast  
Marlborough Technology Park 100 Nickerson Road, Marlborough, MA 01752  
Tel 508.786.2200 Fax 508.786.2201 [tetratech.com](http://tetratech.com)

November 2020 Submittals

- Lot 1 Waivers List
- Lot 2 Waivers List
- Waiver Plan by HSW dated 11-09-2020
- Applicant's Response to Comments – Police (10-30-2020)
- Applicant's Response to Comments – Davis Square (11-04-2020)
- Applicant's Response to Comments – DPW Town Engineer (11-02-2020)

October 2020 Submittals

- Applicant Cover Letter dated 10-21-2020
- Lot 1 Waivers List
- Site Plan by HSW dated 10-14-2020
- Presentation Plan by HSW dated 10-14-2020
- Misc. Building Plans and Renderings – Oct. 2020
- Bayside Memorandum dated 10-06-2020 re: Triangle Intersection – Signalization Assessment

September 2020 Submittals

- Applicant Cover Letter dated 09-15-2020
- Site Plan by HSW dated 09-14-2020
- Presentation Plan by HSW dated 09-14-2020
- Bayside Memorandum dated 09-28-2020 re: Railroad Crossing Assessment
- Applicant's Response to Comments – Davis Square (08-13-2020)

July 2020 Submittals

- Applicant Cover Letter dated 07-08-2020
- Site Plan by HSW (sheets 1 & 2 of 5) dated 06-29-2020

May 2020 Submittals

- Applicant's Response to Comments – Tetra Tech (04-10-2020)
- Various Responses to Comments from Town Departments
- Bayside Memorandum dated 04-16-2020 re: Internal Analysis
- Bayside Memorandum dated 03-10-2020 re: Supplemental Pedestrian Information
- Masse Fire Protection Services – Hydrant Test Report dated 03-25-2020
- Misc. Building Plans, Renderings and collateral information

As evidenced by the breadth of submittals note above, in general, the applicant has been advancing discussion of topics as requested but it has been difficult to determine a clear intent as most of the information provided deviates from what was requested and in several cases does not address our request; opting instead to redirect responsibility to others.

Recent dialogue has trended in a more positive direction and plan changes do represent progress toward addressing our concerns however we still struggle to understand which issues the applicant intends to engage in a cooperative effort toward resolution and which they don't intend to address further.

Our principal outstanding concerns relate to several primary issues which are summarized below.

#### *Single Point of Access – No Emergency Access*

The Project has only one means of access serving the entirety of the 300-unit project whose highest density areas are located approximately 2,500 feet from the main entrance off Summer Street. The single access remains a concern as it provides no alternate means of access or egress should the primary entrance be blocked. While we understand chances of a complete shutdown of the access may be remote it is still a possibility that should be addressed given the length of the access road, the presence of several pressure utilities within the roadway and the anticipated traffic volumes coming to and from the site. The applicant has proposed a long "boulevard" entry comprised of two 16-foot lanes separated by a center median to address the lack of a secondary means of access. While a boulevard offers certain benefits, it does not provide adequate assurance that access to the site can always be maintained as both lanes of the boulevard could easily be blocked by a water main break, downed tree or automobile accident. We recommend the Project provide an emergency access separate and suitably remote from the main entry that can be available for use on demand by emergency responders and could serve as an alternate general site entry in an emergency.

#### *Water and Sewer Capacity Documentation*

The Project will result in the near doubling of the size of the South Walpole community and no information has been provided by the applicant on which the ZBA can reach a factual conclusion that adequate capacity exists in either the public water or sewer system. Given the proposed development is substantially larger than otherwise would be allowed under current zoning it is unlikely that the original design of the municipal water and sewer systems would have contemplated demands of the magnitude proposed. If a permit is issued, we recommend the decision include a condition requiring the applicant to provide documentation demonstrating the public water and sewer systems have adequate capacity to serve the development without risk to safely and without risk to the surrounding community.

#### *Offsite Traffic/Pedestrian Impacts*

The Applicant's traffic analysis indicates the Project will result in a significant degradation in level of service at the intersection of Summer, Washington and Neponset Streets and has offered no proposed measures to mitigate Project impacts. Given the intersection is close to the Boynton School, is close to an existing railroad crossing, is subject to massive situational demands from events at Gillette Stadium and currently experiences significant traffic queues, the added volume of both vehicles and pedestrians from the Project presents a safety concern that should be addressed.

To date, the Applicant has consistently deferred responsibility for addressing these project-related impacts to the Town but recent communication with the applicant's consulting team indicates some willingness to explore potential mitigation which we hope addresses the issues of concern including but not limited to degradation of level of service and suitability of pedestrian accommodations.

#### *Fire Truck Access Limitations*

The revised roadway and building layout still include several instances where fire truck access is compromised. Most notably, parking layout adjacent to the now 6-story buildings significantly compromises the ability for emergency responders to stage a response or to access the building with equipment or personnel. At a minimum the Project must provide adequate area in which a responding fire truck and its

personnel can immediately and reliably access the structure including providing a second means of accessing below building parking. Similarly, access roads should be designed in a manner that, if avoidable, does not require fire trucks to back up in order to change direction preferably by utilizing turnaround circles at the end of roadways as described in town subdivision guidance.

#### **Feb. 18, 2021 Update**

Over the course of the last several months the Applicant and its consulting team have engaged in cooperative and productive discussions leading to design changes and commitments that have resolved most of our substantive concerns. The changes are reflected in the latest revised submittal materials which include the following:

- Applicant's responses to Tetra Tech comments dated January 11, 2021.
- A plan set titled "Site Plan for Proposed Multifamily Development, 51-53-55 Summer Street, Walpole, MA", dated January 10, 2020 revised through January 27, 2021 (Rev 10), prepared by Howard Stein Hudson (HSH) hereinafter referred to as the Site Plans.
- A Supplemental Data Report (Stormwater Report) dated January 22, 2021, prepared by HSH.
- Easement Sketch Plan dated November 30, 2020 revised through February 2, 2021 (Rev 2), prepared by HSH.
- Memorandum to Mr. David Hale, Omni Properties, LLC regarding "Water System Design Considerations" by On Site Engineering dated December 16, 2020 (Water Memo).
- Memorandum to Bernie Marshall, Superintendent detailing the "preliminary design of the sewage collection system servicing the proposed Summer Street development" by On Site Engineering dated December 17, 2020 (Sewer Memo).
- Conceptual Improvement Plan – Alt 3, Washington Street at Neponset Street (Exhibit C) by Bayside Engineering dated December 16, 2020.

#### *Single Point of Access – No Emergency Access*

The applicant has agreed to provide an emergency access roadway connecting the site to Summer Street through an adjacent parcel sufficiently remote from the main entrance to reasonably ensure access to/from the site can be maintained. The emergency access will also include a secondary water service connection addressing our concerns related to the prior proposal.

We consider this issue addressed and recommend any decision approving the Project include a condition requiring the emergency access to be constructed and useable prior to issuing the first building permit.

#### *Water and Sewer Capacity Documentation*

The Project has provided documentation supporting the conclusion that water and sewer capacity in the local municipal infrastructure is sufficient to serve Project needs safely and without significant impact to existing users.

We consider this issue addressed subject to more detailed information being submitted prior to issuance of building permits and recommend any decision approving the Project include a condition requiring the Project to obtain a letter from the Board of Water and Sewer Commissioners confirming adequate capacity exists within the municipal water and sewer system to serve the project.

#### *Offsite Traffic/Pedestrian Impacts*

The Applicant has investigated several options for improving capacity and pedestrian safety at the intersection of Summer, Washington and Neponset Streets including traffic flow modifications, one-lane and two-lane traffic circles and a reconfigured signalized intersection. The options were reviewed by representatives of the Walpole Fire, Police, Planning and Engineering Departments and Tetra Tech from which a reconfigured signalized "T" intersection was unanimously preferred. The Applicant has agreed to construct the intersection in partnership with the Town prior to receiving an occupancy permit for the 151<sup>st</sup> unit (50% of expected total).

We consider this issue addressed and recommend any decision approving the Project include a condition requiring the Project to construct improvements to the Summer/Neponset/Washington as generally described during the review process prior to receiving an occupancy permit for the 150<sup>th</sup> or later unit.

#### *Fire Truck Access Limitations*

The Applicant has substantially addressed our concerns related to emergency access and circulation through recent changes in roadway layout and the incorporation of an emergency access.

We consider this issue addressed and recommend any decision approving the Project include a condition requiring approval of the Final Plans by the Walpole Fire Department prior to issuing the first building permit.

(from TT 11/16/2020 Update) Applicant responses and supplemental information noted above were reviewed against our previous comment letter (April 4, 2020) and each comment has been updated to reflect our current understanding. Comment numbers will be maintained throughout our review and as comments are resolved they will be removed from future updates leaving only relevant items. New comments will be added at the end and assigned a continuing number. Text shown in "gray" represents information contained in previous correspondence while new information is shown in "black".

Comments noted as "**Resolved**" include those that have either been addressed directly by the Applicant or can be easily incorporated into the Final Plans submission. These comments will be removed from future updates.

Comments noted as "**Deferred**" include comments whose eventual resolution are not expected to fundamentally impact the design but will require additional documentation to confirm compliance with applicable standards and expectations. These are typically comments generated based on detailed information included in the original submittal that has not been updated per the most recent plan changes

#### **Site Plans**

The Site Plans were well organized, clear, readable and professionally done. They show a proposed project that is relatively dense but does consider the natural and topographic constraints of the site. Our principal concern is that the proposed density provides almost no common/bulk recreation space and leaves almost no additional space to accommodate unanticipated needs or unaddressed design requirements.

The Site Plans provide a good introduction to the Project and its various components and shows the Project is placed in consideration of limiting impacts to wetland resource areas. In general, the layout reflects the natural and physical constraints at the site but leaves very little un-assigned space to guaranty compliance with stormwater performance criteria, accommodate more robust emergency access, address wetland mitigation or other similar demands that are likely to present as design and discussion develops. The following specific comments are offered to identify areas where additional information is required, or changes are requested to address questions or support further review.

(from TT 11/16/2020 Update) The Applicant has submitted several revised plans and recent coordination suggests additional changes may be forthcoming. The following information reflects our current understanding.

4. The Project's common boundary with the commuter rail presents a significant safety concern particularly given the lack of alternate open space on the site. We recommend the Project include fencing or other suitable measures to preclude access to the railroad tracks from the site. Additionally, consideration should be given to limiting development along the boundary with the railroad track to allow for greater separation.

**Nov. 16, 2020 Update** - The Applicant has proposed an intermittent six-foot chain link fence along sections of the Project boundary with the railroad track with breaks at vernal pools. We question the value of a non-continuous fence and recommend any decision include a condition requiring a continuous (uninterrupted) fence running along the entire boundary of the railroad tracks with fence endings designed to return into the developed site.

**Feb. 18, 2021 Update** - The Applicant has agreed to install an uninterrupted fence for the entire length of the project's developed boundary with the railroad right-of-way provided it is not precluded by the Walpole Conservation Commission. We believe the fence can be installed responsibly across the regulated wetlands and associated buffers and as such recommend any decision include a condition requiring a continuous (uninterrupted) fence running along the entire boundary of the railroad tracks with fence endings designed to return into the developed site unless otherwise specifically precluded from doing so by the Walpole Conservation Commission. **Resolved**

5. The Project includes almost 300 units with only a single means of access whose connection to the local street network is located within 50 feet of a commuter rail crossing. While there are no known prohibitions to locating a side street so close to the crossing, we recommend the applicant consider the potential of relocating the connection further away from the crossing. We also recommend the applicant provide a statement or similar confirming the proposed design meets Federal Highway Design Guidelines for At-Grade Intersections Near Highway-Railroad Grade Crossings, and in particular, Chapter 4 – Channelization with regard to prevention of motorists from driving around crossing gates. Bypassing gates is a concern given the proximity of the site drive and orientation to the crossing gates.

**Nov. 16, 2020 Update** - The Applicant has not offered any proposed mitigation or provided a statement that the proposed design meets the guidelines noted. While the applicant has offered some documentation suggesting the risk that exiting Project traffic would attempt to bypass the gates is remote it has offered no measures that could reduce the risk. We agree the risk appears to be remote however we recommend the applicant consider small improvements such as extending arms that could mitigate risk given the site driveway's proximity and approach to the crossing.

**Feb. 18, 2021 Update** – The applicant has informed us that this crossing has undergone recent renovations reducing the likelihood that additional measures would be needed to safely accommodate the proposed site driveway and has agreed to extend traffic control arms if allowed to do so by the MBTA. We recommend any decision approving a comprehensive permit include a condition requiring the Project to extend the control arms on the Project side of the crossing to halfway across the adjacent travel way or provide documentation from the MBTA or other responsible agency indicating otherwise.. **Resolved**

6. Several locations within the development do not provide convenient access for emergency vehicles and require fire trucks and larger emergency vehicles to back up which is not typical for new developments. We recommend the applicant coordinate with Walpole Fire Department to determine requirements for access and make every possible accommodation. In addition, the Fire Truck Turning Plan shows several locations where the fire truck travels over the curb which should be fixed in future submittals

**Nov. 16, 2020 Update** - The Applicant has reduced the number of instances where access is a problem however several issues remain. Units 9-12 present a very awkward and difficult access scenario for fire trucks requiring the truck to back up more than 200 feet along a curve and execute a multi-point turn in order to exit. The Fire Department has been consistent in its requests that all roads include circular turnarounds at the end to allow fire trucks to change direction. Current site plans show parking along the entire front of Building's 1 and 2 which significantly impairs the Fire Department's ability to access the building or stage an emergency vehicle. The applicant should coordinate with the Fire Department to provide clear fire lanes and access points acceptable to the Fire Department and provide a Fire Truck Access Plan based on the final proposed roadway configuration and conforming to applicable state and federal access criteria.

**Feb. 18, 2021 Update** - The Applicant has made several modifications to the site plans and building design including expanding intersection geometry to better accommodate fire truck access and incorporating access improvements at the large multi-family buildings in response to Fire Department concerns regarding under-building parking and building height. We recommend any decision include a condition requiring all site roadways and emergency vehicle access/staging accommodations be constructed substantially as shown on the approved site plans. **Resolved**

7. The 16-foot entry boulevard lane widths do not meet minimum 20-foot widths required by National Fire Protection (NFPA) Standards. Reduction to required minimum lane widths requires approval from the Authority Having Jurisdiction (AHJ) who in this case is the Walpole Fire Chief. We recommend the Board require the applicant to document the Fire Chief's approval of the proposed lane widths prior to completing its review.

**Nov. 16, 2020 Update** - The boulevard entry remains however lane widths are not provided on the most recent plans. The applicant has stated the boulevard entry "meets the NFPA standard" however NFPA 18.2.3.4.1.1 which explicitly states "Fire department access roads shall have an unobstructed width of not less than 20 ft (6.1 m)." suggests otherwise since boulevard lanes appear to still be approximately 16 feet with an obstructing island between. The single access remains a concern and it is our opinion that a secondary emergency access is warranted.

**Feb. 18, 2021 Update** – With incorporation of remote emergency access the main entry no longer requires a median-separated boulevard entry and instead now provides a single paved route which substantially exceeds 20 feet. **Resolved**

8. The proposed layout and density leave very little available space for snow storage and snow storage areas identified on the plans are in areas where we would typically expect landscaping or similar site amenities. The lack of practical snow storage area is a function of overall site density combined with restrictions for placing snow in wetlands or stormwater basins. We recommend limiting snow storage near light posts and fire hydrants due to risk of damaging structures.

**Nov. 16, 2020 Update** – Recent plan changes that reduce impervious footprint and proposed 25-foot buffer to wetlands mitigate some of our original concern. However, the proposed density still appears to present challenges with snow removal. Given the roads are not proposed for acceptance by the Town and maintenance/snow removal will be the sole and permanent responsibility of the development, our only suggestion is that a decision include a condition requiring snow removal and storage as a Project responsibility and that it be done in compliance with all Conservation Commission conditions and in a manner that maintains fire department access at all times. – **Resolved.**

**Feb. 18, 2021 Update** – Revised plans show additional area dedicated to snow storage as well as additional areas for visitor parking which will serve as valuable transition space for snow removal operations. Based on information received, the project can be expected to address snow removal needs. We recommend any decision approving a comprehensive permit include a condition requiring snow removal and storage as a Project (not a town) responsibility and that it be done in compliance with all Conservation Commission conditions and in a manner that maintains fire department access at all times. **Resolved**

14. We recommend considering adding a median break and crosswalk at the mail area. We also recommend a median break or alternate solution that allows vehicles leaving the five single family homes near Summer Street and travelling deeper into the development to do so without having to turn around at Summer Street.

**Nov. 16, 2020 Update** - The applicant has not addressed this comment in its latest plans however this issue is part of the larger discussion related to a secondary means of access. We still maintain that traffic leaving the five single family homes should be able to turn left to head back into the development without having to turn around at Summer Street.

**Feb. 18, 2021 Update** – Incorporation of a remote emergency access eliminates median-separated boulevard entry. There is no longer any obstacle to direction of travel or access to amenities. **Resolved**

18. We request the applicant provide a Construction Phasing Plan showing the anticipated sequence of construction and identifying proposed locations and sizes of construction staging and stockpile areas.

**Nov. 16, 2020 Update** - The Applicant has provided no information on how the Project will be constructed or phased. We continue to recommend the Applicant provide a detailed construction management plan showing construction phasing, proposed trucking routes/hours, contractor parking, laydown areas and construction trailer locations. The plan should also include proposed work hours and emergency contact information.

**Feb. 18, 2021 Update** – Although the Project has still not provided detailed information on how construction will be phased and managed, we believe the program of development shown can be constructed without undue burden on local infrastructure with proper planning and diligent execution. To ensure adequate planning and management of construction activities we recommend any decision approving a comprehensive permit include a condition requiring the Project to submit a comprehensive Construction Management Plan (CMP) for approval by the ZBA prior to issuing a building permit. The CMP should include, at a minimum, description of the proposed (1) project phasing, (2) methods to ensure public safety and site security, (3) operating hours, (4) contractor parking and equipment and material laydown, (5) controls to limit noise and vibration, (6) controls to

manage air, dust, stormwater, and sediment, (7) waste disposal and materials re-use and (8) traffic management. Resolved

### **Grading and Drainage Plans**

The grading shown on the plans is understandable and complete. Plans show appropriate grade transition slopes and walls in locations where likely required. The following are comments specific to the grading and drainage plans.

(from TT 11/16/2020 Update) The applicant has submitted revised plans but not with the same level of detail included in the original submittal. Many of the comments originally noted likely still apply but were based on information presented in prior plans which is not currently available for review. However, based on the quality and completeness of information originally provided we can make informed assumptions regarding the current plan with the expectation that final documentation will be provided with a Final Plan submittal.

19. The plans show several stormwater basins immediately adjacent to proposed homes, in some cases mere feet from doors and walkways. In our opinion the plans show an extremely aggressive layout that provides almost no flexibility and does not incorporate adequate means to access and maintain the systems as required. We recommend the applicant consider maintaining at least a 50-foot offset between the high-water line of a stormwater basins and forebays and an occupied structure. At a minimum, the design should show space required to meet requirements of the stormwater standards including maintenance access and separation from wetlands and surface waters.

**Nov. 16, 2020 Update** - The revised plans appear to still show basins and other stormwater features very close to buildings and walks. We recommend any decision include a condition requiring minimum offsets from proposed stormwater detention basins or similar mitigation features unless specifically authorized by the Board.

**Feb. 18, 2021 Update** – Based on information received by the applicant we believe suitable offsets can be maintained between the homes and the stormwater management features. To ensure reasonable offsets are maintained we recommend any decision approving a comprehensive permit include a condition requiring the Project to maintain at least 30 feet separation between any home or connecting driveway or walkway and the limit of inundation during 100-year storm event of any above grade stormwater management feature and that the limit of inundation be shown on the Final Plans or supplementary figure. Resolved

### **Stormwater Report**

As mentioned in earlier sections, the proposed design provides very little if any operational or design flexibility due to the proposed density. Our principal concern at this stage of review is that the design, as shown, may not meet applicable performance standards principally due to lack of required separation from groundwater and resulting changes may impact unit viability. The best example of the limited space can be seen in the proposed stormwater basin 5 off Balsam Lane whose forebay is located on the opposite side of the street wedged between two homes and whose infiltration basin extends to the back door of several homes. Since the design is so tight, close review of the supporting stormwater analysis is required to confirm safety and viability of the proposed system. The following comments identify our general areas of concern and should be addressed in future submittals or responses.

(from TT 11/16/2020 Update) Recent plan changes have reduced the amount of impervious area and should provide some relief from the stresses of a tight site but plans still suggest basins are very close to homes. A

Stormwater Report corresponding to the recent plan submittal will be needed to confirm compliance with applicable standards and comments noted, however that report can be submitted with the Final Plans.

**Feb. 18, 2021 Update** – Information submitted demonstrates the Project can be built in compliance with applicable Massachusetts Stormwater Management Standards and Stormwater Handbook however we have identified areas of the design that appear to be incomplete or otherwise inconsistent with requirements which are noted below and should be addressed in the Final Plans.

- a. Channel geometry used in the model should be consistent with grading shown on the plans so that the extent of flooding can be accurately estimated. For example, model indicates at least one channel that is modeled at 40 feet wide by one foot deep which does not match the proposed grading. We recommend the applicant consider defining channels more narrowly to limit the lateral extent of flooding if possible.
- b. Model suggests foundation Drip Edge Systems discharge via a piped connection, but those pipes and discharge location are not shown on the plans. Piped drainage infrastructure should be shown and incorporated in the model as shown on the plans.
- c. Exfiltration rates used in the model for the Drip Edge Systems in many cases utilize the highest allowable exfiltration rates without supporting test pit data. Stormwater standards require test pits within the limit of proposed infiltration systems, but test pit data is not provided for drip edge infiltration systems of individual homes. We recognize that conducting test pits for each individual system may be burdensome, but the analysis should utilize more conservative exfiltration rates until more aggressive rates can be justified by actual test pit data. To comply with stormwater standards we recommend any decision include a condition requiring soil conditions below Drip Edge Systems to be inspected by a licensed soil evaluator at the time of foundation excavation and an affidavit be provided by a licensed engineer confirming that as-found conditions are consistent with those used in the model or additional justification provided proving performance prior to issuance of a certificate of occupancy for any building served by a Drip Edge System.
- d. Two infiltration systems (Infiltration Pond #1, Stormtech System P204) are proposed to be installed in A and B soil layers, which are commonly excavated prior to construction, or to be installed in proposed fill areas. Per Stormwater Handbook, infiltration systems should not be installed above fill materials. Soil textural analyses must be conducted on the fill material, and the hydrologic soil group of the more restrictive layer between the fill and parent materials shall be used in the design (Vol 3, Ch 1 Page 12).
- e. Mounding analyses is required for infiltration systems within 4 feet of groundwater (Both Stormtech systems P204 and P206, Infiltration Pond #1 and #2). Bottom of Infiltration Pond #2 below groundwater table (P207, bottom at 194.00, GW at 194.25 from TP-24; GW at 194.80 from TP-48).
- f. The Stormwater Report uses exfiltration rates that exceed rates otherwise indicated by the mapped Hydrologic Soil Group (HSG). For example, the drip edge infiltration systems for units 10-14 are mapped within HSG C but utilize the much higher exfiltration rates typical for HSG A. Analysis should be modified so that applied exfiltration rates are supported.
- g. Stormwater Report accompanying Final Plans should apply consistent methodology for assigning exfiltration rates in the model. Current analysis uses variable methodology including references to Falling Head Permeability Tests but not using those rates in the analysis (See P206, TP-52- Test result 3.5 in/hr, HydroCAD 1.4 in/hr; and P210, TP-40A – test result 6.58 in/hr, HydroCAD 5.13).

- h. Channel upstream of Infiltration Pond #1 does not include flow from its contributing subcatchment (See reach 3R, Catchment S210) likely underestimating peak water surface elevations and eroding available freeboard within the proposed channel. Catchment should be routed through the reach rather than directly to downstream ponds.
- i. Subcatchment S208 is routed to Subsurface infiltration system P204. Since this subcatchment is surface runoff and will not be collected by the infiltration system it should not be routed to P206.
- j. Channels are proposed to be 1 foot deep in HydroCAD. Stormwater Report and Final Plans should reflect conditions needed to meet Stormwater Handbook requirement of one foot of freeboard during a 10-year event (Vol 2, Ch 2, Pg 75).
- k. OCS's upstream of P204 (OCS #3) and P206 (OCS #1) do not appear to be included in the HydroCAD model.
- l. Subcatchments C47 and C48 not shown in their entirety on post-development drainage map, south side adjacent to Summer Street cut off on plans.
- m. Recommend relocating the isolator row of P204 and OCS #1 to the east side of the subsurface infiltration system to increase accessibility for maintenance purposes and allow the drain line from Townhouse 8 (Units 33-38) to enter the OCS rather than bypassing the OCS and directly entering the south side of the system.
- n. All at-grade infiltration ponds shall have monitoring wells installed as specified in the Stormwater Handbook (Vol 2, Ch 2, Pg 91)

Resolution of the comments noted above can be addressed on the Final Plans and is not expected to materially impact the proposed site layout or density. An updated Stormwater Management Report should be submitted with the Final Plans documenting compliance with applicable stormwater standards and addressing the comments noted. We recommend any decision approving a comprehensive permit include a condition requiring the Project to meet all applicable stormwater management standards and to document compliance of the Final Plans prior to issuing a building permit. **Resolved**

#### Utility Plans and Water and Sewer Impacts

The utility plans provide a comprehensive representation of the range of utilities and connections likely required and generally maintain required offsets between water and sewer infrastructure. The following are comments specific to the utility plans.

(from TT 11/16/2020 Update) Utility Plans have not been provided as part of the most recent plan submission however expectations can be reasonably inferred based on information received to date.

- 41. The plans suggest the development will be served by multiple interconnected sewer force mains. We strongly discourage this approach due to reliability and maintenance issues as well as the potential for hydrogen sulfide production which can result in deterioration of the town's downstream collection infrastructure. Given the size of the development we recommend the applicant consider expanding the reach of the gravity collection system so that all proposed residences connect to a gravity collection system and that force mains be limited to no more than 1,000 feet or otherwise incorporate structures to off gas hydrogen sulfide prior to connection with the municipal infrastructure.

**Nov. 16, 2020 Update** - The Applicant has made some modifications to address concerns noted however the Final Plans should include detailed sewer system layout and profile information along with pump station and force main sizing information. This issue can be **Deferred** to the Final Plans, but all system construction shall comply with local sewer regulations and should be approved by the Walpole Engineering Department prior to release of any building permits.

**Feb. 18, 2021 Update** – The information provided by the applicant shows a sewer collection system layout that includes both gravity and pumped systems. The layout of each is consistent with our requests/expectations and the force main layout and length is not expected to present a hydrogen sulfide corrosion concern since total residence time is less than 6 hours. Additional detail should be provided in the Final Plans such as wet well and force main sizing calculations, pump station backup power strategy, and related details of construction. We recommend any decision approving a comprehensive permit include a condition requiring Final Plans to include all required details and supporting information required for review by the Sewer Department and maintenance of the site sewer system and its components are the sole responsibility of the development. **Resolved**

42. The development will result in a significant new demand on municipal water and sewer infrastructure. We recommend the applicant provide the Board a memorandum or similar documentation by a licensed Massachusetts engineer proving the Project can be served adequately without impacts to existing or proposed infrastructure or its users. At a minimum the documentation should describe and quantify proposed demand, describe existing infrastructure serving the site, provide calculations demonstrating available capacity/service and clearly describe any improvements that may be needed to town infrastructure to serve the project.

**Nov. 16, 2020 Update** – No information has been provided to date related to our request. This comment remains unresolved and is in our opinion a matter of public safety. New sewer flows are significant and may result in sewer system overflows downstream since flows of this magnitude are not likely to have been forecasted during original collection system design. This analysis is particularly relevant given the Project's proposed reliance on pumped systems whose discharge characteristics are situationally unique and as such cannot be inferred based on typical daily discharge patterns. Similarly, the sufficiency and safety of the proposed water supply is a concern given the Project is functionally served by a single water main connection in Summer Street and no documentation has been provided that demonstrates adequate supply and pressure is available or that proposed Project demands will not adversely impact service to the surrounding community. It is important to note that since the Project has only one means of access that includes all site utility services, any disruption to the main entry road may result in loss of access as well as water and sewer service with limited ability to access any necessary repairs.

**Feb. 18, 2021 Update** – The applicant has submitted additional information related to its approach to wastewater disposal and water supply that indicates the project water and sewer demands can be met and the project now includes a remote water connection at the new emergency access. Additionally, the Walpole Water and Sewer Department has provided a memorandum from its consultant Weston and Sampson that concludes “the sewers affected by the proposed connection appear capable of handling the proposed additional flow from the development.” We recommend any decision approving a comprehensive permit stipulate all operation, maintenance and repair of water and sewer infrastructure within the development will be the sole responsibility of the Project and include a condition requiring Final Plans to show layout and construction details of all proposed water

and sewer infrastructure installed per town standards and that detailed hydraulic analysis be submitted demonstrating minimum water pressures will be maintained. Resolved

### **Wetlands and Erosion Control**

Wetlands have been determined following review by the Walpole Conservation Commission and provide a reliable representation of wetland related site encumbrances. The following are comments specific to wetlands and erosion control.

(from TT 11/16/2020 Update) The Project is currently undergoing review by the Walpole Conservation Commission, and we would generally defer to their review under the Massachusetts Wetlands Protection Act. Our comments on the most recent information submitted are provided below

48. The project will alter more than 75% of the upland area adjacent to vernal pools. Species which use vernal pools for breeding rely on the adjacent upland for habitat and a significant portion of upland adjacent to vernal pools must be maintained in order to maintain the viability of overall vernal pool species habitat. We recommend the applicant provide a narrative documenting how proposed impacts to habitat meet applicable performance criteria and adequately protect the vernal pools and associated upland habitat.

**Nov. 16, 2020 Update** – The Applicant has not addressed our concern relative to the loss of upland habitat adjacent to vernal pools which is not addressed under the Massachusetts Wetlands Protection Act or related performance standards. We request the Applicant provide a response addressing the loss of upland habitat and a summary of their related discussion with Conservation Commission.

**Feb. 18, 2021 Update** – Elimination of the boulevard section significantly reduces the area of impact adjacent to vernal pools and the proposed wetland crossings are expected to meet stream crossing standards which will provide connectivity between wetland/upland areas throughout the site. We have no additional comments related to vernal pool impacts but recommend any decision approving a comprehensive permit include a condition requiring proposed culvert/bridge wetland crossings be required to meet Massachusetts Stream Crossing Standards unless directed otherwise by the Walpole Conservation Commission and that those crossings be shown in detail on the Final Plans.

**Resolved**

50. Limit of clearing adjacent to n/f TS Land Trust LLC TR (87 Summer Street) is nearly on top of property line, recommend moving clearing limit away from property line to increase screening from construction activities and to ensure trees located outside of the applicant's control remain unharmed.

**Nov. 16, 2020 Update** – Proposed building construction is still shown very close to property lines (approx. 10 feet) leaving little or no room for construction access or for mitigation planting described. We recommend the Applicant provide a section view of Lot 51 (or similar) showing proposed building and planting in relationship to the property line and the existing residence.

**Feb. 18, 2021 Update** – The applicant has met with the abutting owners of 91 Summer Street to review the plans and has offered to provide planting for screening upon their request. The home at 91 Summer is situated at a higher elevation than the project and is densely wooded minimizing visibility. In addition, its attached garage faces the project and provides additional screening of the closest units. In the absence of comments from homeowners at 91 Summer Street we have no additional concerns but recommend any decision approving a comprehensive permit include a condition

requiring the Project to obtain rights of access for work proposed on any property outside its control and that any mitigation requested by the abutter be shown on the Final Plans. Resolved

## **Traffic**

Tetra Tech has reviewed the Bayside Engineering, January 6, 2020 TIA for conformance with standard professional practices in the state of Massachusetts for the preparation of traffic impact studies for projects of similar size and nature. The following traffic study elements have been reviewed and generally conform to industry standards:

- Study area intersections evaluated
- Time periods evaluated (weekday peak commuter periods from 7AM to 9AM and 4PM to 6PM)
- Study intersection turning movement count (TMC) data
- Seasonal adjustments
- Consideration of public transportation services in the area
- Crash analysis based on Massachusetts Department of Transportation (MassDOT) crash data
- General background traffic growth rate
- Project trip generation, distribution and assignment

Tetra Tech offers the following comments on the traffic study:

54. The project causes a degradation in Level of Service from LOS C to LOS E during the evening peak hour at the intersection of Summer Street at Neponset Street. The additional traffic due to the project on the Neponset Street NB approach causes the degradation and an increase in queue length from 130 to 247 feet. A queue length of 247 feet would spill back through the Washington Street/Washington Street Extension intersection with Neponset Street. The applicant should identify potential mitigation measures to address the project impacts at this location.

**Nov. 16, 2020 Update** – The Applicant has provided supplemental information but has yet to address the core request to provide a summary of improvements needed to mitigate the significant Project impacts at this location. Despite the Applicant's repeated indications that it is not the Project's responsibility to address these issues, there have been recent indications that their consulting team is working on potential mitigation and we anticipate and hope for further dialogue. It remains our position that degradation of an already problematic intersection represents a safety issue that should be addressed by the Project particularly given its location relative to the Boynton School and the number existing and proposed students who are expected to navigate the intersection.

**Feb. 18, 2021 Update** – The Applicant and its design team have developed and analyzed several improvement scenarios for the Summer/Neponset/Washington intersection and has presented these options at a meeting with Town Departments (Fire, Police, Engineering, Planning) and Tetra Tech. The proposed option of a reconfigured signalized "T" intersection was the unanimous preference of Department representatives based on pedestrian access, intersection level of service, event flexibility/control and larger/better open space. The Applicant has agreed to construct the improvements provided a reasonable cost-sharing agreement can be achieved given the Project's traffic increase is less than 25% of forecasted volume. As such, we recommend any decision approving a comprehensive permit include a condition requiring the Project to design and construct a new signalized "T" intersection at Neponset/Summer/Washington consistent with concept plans submitted. The design shall be developed in cooperation with the Town and plans submitted for review and comment by the community at 25%, 75% and 100% design progress and construction

must be completed prior to issuing certificate of occupancy for more than 50% of the total units approved. Resolved

58. The 3/10/20 Bayside memo projects 46 new students from the residential development at the Boyden School on Washington Street, which is approximately ¼ mile from the development. The majority of those students could be expected to be “walkers” to school. Bayside notes that the sidewalks have adequate capacity to handle the additional pedestrian traffic that could be generated by the proposed development. Sidewalk conditions along the entire walk to school route should be evaluated to confirm that the sidewalks are adequate. Crosswalks and detectable warning panels should be confirmed for the proposed walk to school route. Crossing guard locations should be considered.

**Nov. 16, 2020 Update** – It remains our position that the Project should confirm or otherwise ensure that new students walking from the site to the Boynton School can do so safely. The Applicant has provided a Conceptual Sidewalk Plan showing improvement that will substantially address our concern but has been unclear as to the Project’s commitment to this and other related traffic mitigation. Proposed sidewalk improvements will likely benefit traffic at the intersection and should be considered/evaluated collectively with all other roadway improvements.

**Feb. 18, 2021 Update** – The Applicant has agreed to reconstruct the Summer/Neponset/Washington intersection including a signal phase for pedestrian crossing and includes a crossing at Washington Street that eliminates the need for an extension of the sidewalk along the north side of Summer Street between the Project and Washington Street as originally proposed. The proposed new intersection and related pedestrian safety improvements in our opinion provide suitable pedestrian accommodations. As such, we recommend any decision approving a comprehensive permit include a condition listing the proposed traffic/pedestrian mitigation agreed to by the Project. Resolved

59. The plans propose more than 40 visitor parking spaces, we recommend any decision approving a comprehensive permit include a condition that requires/limits a specific number of spaces that must be provided, spaces meet the minimum dimensions required under local design guidance, spaces be distributed appropriately across the site and that all spaces be shown on the Final Plans. Resolved.
60. To ensure adequate space is provided for driveway parking stalls without impact to adjacent sidewalks or travel ways we recommend any decision approving a comprehensive permit include a condition requiring that all driveways have a minimum depth of 19’ as measured from the face of building to the nearest path of public accommodation (ie. travel way or sidewalk). Resolved

### **Contamination History**

The property located east of 55 Walpole Street (subject project) is the former Bird Machine Company (BMC) which has a long history of industrial activity from the 1830s until 2004. Most buildings have been demolished and heavy industrial activities are no longer conducted on site.

Based on a review of MassDEPs Reportable Release Lookup database for the subject property, the BMC site has a long history of releases and on-going “remediation” activities are being monitored and managed under the supervision of a Massachusetts Licensed Site Professional and required project reporting and documentation appears to be in order. Release and remediation histories are linked to the site’s primary Release Tracking Number (RTN) 4-3-24222

Current remediation activities do not include active remediation measures but rather consist of monitoring the natural attenuation of contaminants whose status was recently summarized in a Phase V Status & Remedial Monitoring Report dated February 19, 2020. Groundwater on the former BMC site is reportedly discharging to

Cedar Crossing Apartments/Cedar Edge Condominiums  
Comprehensive Permit Peer Review  
(February 18, 2021 Update)

the Neponset River or associated wetlands, and contaminant plumes are described as generally stable or contracting. Based on the location of the subject property, it does not appear that groundwater from the former BMC site would migrate to the subject property.

There are several other sites with release tracking numbers to the north of the subject property; however, releases at these other sites are not expected to impact the subject parcel based on the distance from the subject property and the presence of Cedar Swamp. Other reported releases in proximity of the subject property are of limited volume and/or environmental impact, and no reportable releases were identified on the subject property. We do not require additional information from the applicant related to contamination history adjacent to the site.

**Nov. 16, 2020 Update** – No action has been requested and the proposed plan changes have no impact on environmental conditions on neighboring sites.

**Feb. 18, 2021 Update** – The Project as currently described is not expected to adversely impact environmental conditions on the site or adjacent properties. Given then site has been idle for several years, its location relative to water supplies and sites with history of industrial we recommend any decision approving a comprehensive permit include a condition that any evidence of illegal dumping or contamination of soil or groundwater encountered during construction be reported to the Walpole Board of Health and at least four (4) monitoring wells be maintained on site at locations suitable for monitoring groundwater across the site.  
**Resolved**

These comments are offered as guides for use during the Town's review and additional comments are likely to be generated as additional or revised documentation is submitted. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

**Nov. 16, 2020 Update** – We look forward to continued discussions with the Applicant and their design team regarding the outstanding issues noted above.

**Feb. 18, 2021 Update** – Based on information and commitments received from the Applicant it is our current opinion that comments have either been resolved or can otherwise be addressed through a permit condition provided that compliance is documented and confirmed in the Final Plans submittal. We appreciate the efforts of the applicant and its team and look forward to reviewing the Final Plans.

Very truly yours,



Sean P. Reardon, P.E.  
Vice President



Steven M. Bouley, P.E.  
Senior Project Engineer

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# Exhibit B

COMMONWEALTH OF MASSACHUSETTS

HOUSING APPEALS COMMITTEE

55 SS, LLC,

Appellant,

v.

WALPOLE ZONING BOARD OF  
APPEALS,

Appellee.

No. 2021-02

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RECEIVED

DECISION ON STIPULATION  
AND  
ENTRY OF JUDGMENT

On or about January 15, 2020, 55 SS, LLC applied to the Walpole Zoning Board of Appeals for a comprehensive permit to create 300 units in a mixed rental and ownership development to be located at 51, 53 and 55 Summer Street, Walpole, Massachusetts. Twenty-five percent of the units were to be affordable units subsidized by the Massachusetts Housing Finance Agency.

The Board issued a written decision, granting a comprehensive permit with conditions and denials of certain requests for waivers affecting both the rental and sale aspects of the proposed project. The Board's Decision was filed with the Town Clerk on April 27, 2021.

On May 12, 2021, the developer filed this appeal requesting that the Committee modify the Board's Decision. After the initial conference of counsel, I issued an order of referral to mediation, and the parties engaged in mediation in an effort to resolve this matter. The parties now report they have reached an agreement.

In order to effectuate this agreement, on July 30, 2021, 55 SS, LLC and the Board filed a Joint Motion to Issue Revised Comprehensive Permit, enclosing thereto the "Revised Decision on Chapter 40B Comprehensive Permit Application, G.L. c. 40B, §§ 20-23,"

Applicant 55 SS LLC” (Revised Decision). In that motion, the parties request that the Presiding Officer render a decision issuing a Revised Comprehensive permit in the form attached to the motion. The parties further requested that, “[a]s provided in 760 CMR 56.07(5)(c)3, as the Secretary of Environmental Affairs has not issued a certificate of compliance, the Decision shall be subject to the following additional conditions: a. that the Comprehensive Permit shall not be implemented until the Committee has fully complied with MEPA, and b. that the Committee shall retain authority to modify the Decision based upon findings or reports prepared in connection with MEPA.”

Following an August 6, 2021 conference with counsel to discuss the Joint Motion, 55 SS, LLC and the Board have agreed that the Presiding Officer shall enter a Decision on Stipulation modifying the Board’s Decision by striking it in its entirety and replacing it with the Revised Decision.

I have reviewed the parties’ Joint Motion, as well as the Revised Decision attached thereto, and I find them satisfactory. I note that the Revised Decision provides for a total of 268 units, comprising 212 rental units (53 affordable units) and 56 ownership units (14 affordable units). I hereby incorporate by reference the Joint Motion, and the Revised Decision as part of this Decision on Stipulation, and attach them hereto.

Pursuant to 760 CMR 56.07(5)(c), the comprehensive permit shall not be implemented until the Committee has fully complied with MEPA, and the Committee will retain the authority to modify the Revised Decision in accordance with the findings or reports prepared in accordance with MEPA requirements. This Decision on Stipulation is subject to the following additional conditions:

1. the Comprehensive Permit shall not be implemented until the Committee has fully complied with MEPA; and
2. the Committee shall retain authority to modify the Revised Decision based upon findings or reports prepared in connection with MEPA.

The Board is directed forthwith to file the Decision on Stipulation and Entry of Judgment with the Walpole Town Clerk and, in accordance with 760 CMR 56.07(6), to take any further steps necessary to formalize the permit for recording or other purposes. If the Board fails to act within thirty days of this decision, this decision shall be deemed, pursuant

to G.L. c. 40B, § 23 and 760 CMR 56.07(6)(a), to be the Comprehensive Permit issued by the Board.

**HOUSING APPEALS COMMITTEE**

A handwritten signature in black ink, appearing to read 'Shelagh A. Ellman-Pearl', written over a horizontal line.

August 20, 2021

Shelagh A. Ellman-Pearl, Chair  
Presiding Officer

## DOCKET NO. 21-02

**WALPOLE ZONING BOARD  
OF APPEALS,  
Appellee**

As provided in 760 CMR 56.07 (5)(c)3, as the Secretary of Environmental Affairs has not issued a certificate of compliance, the Decision shall be subject to the following additional conditions: a. that the Comprehensive Permit shall not be implemented until the Committee has fully complied with MEPA, and b. that the Committee shall retain authority to modify the Decision

based upon findings or reports prepared in connection with MEPA.

Respectfully submitted,

55 SS LLC,  
Appellant,  
By Its Attorneys,  
D'AGOSTINE, LEVINE, PARRA & NETBURN,  
P.C.

WALPOLE ZONING BOARD OF  
APPEALS,  
Appellee,  
By Its Attorneys,  
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Date: July 30, 2021





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

John Lee, Chairman  
Susanne Murphy, Vice Chair  
Robert Fitzgerald, Clerk  
Mary Jane Coffey, Member  
Drew Delaney, Member

**REVISED DECISION ON CHAPTER 40B COMPREHENSIVE PERMIT**  
**APPLICATION**  
**G.L. c. 40B, §§20-23**

**APPLICANT**  
**55 SS LLC**

**LOCATION OF PROPERTY INVOLVED**  
**51-53-55 Summer Street**  
**Walpole Assessors Map: 52; Lots 59, 60 and a portion of 78**

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**I. PROCEDURAL HISTORY**

1. An application for a Comprehensive Permit was submitted by 55 SS, LLC ("Applicant") to the Walpole Zoning Board of Appeals ("Board") on January 15, 2020. As originally proposed by the Applicant, the project consisted of the construction of two-hundred and forty (240) rental apartments and sixty (60) single-family home ownership units (the "Project") totaling 300 units on property located at 51, 53 and 55 Summer Street, Walpole, Massachusetts (the "Property"). The rental portion of the Project, labeled "Cedar Crossing", consisted of four (4) four-story buildings (each containing forty-eight (48) units with parking under) and forty-eight (48) rental townhomes. The rental apartments would consist of one-hundred and twelve (112) one-bedroom units and eighty (80) two-bedroom units, and the rental townhomes will consist of twenty-four (24) two-bedroom units and twenty-four (24) three-bedroom units. The single-family home ownership portion of the Project, labeled "Cedar Edge", consists of three-bedroom single-family homes. .
2. During the hearing process, the Applicant revised the Project. A plan dated January 27, 2021 depicts Lot 1 (Cedar Crossing) having the apartments in two (2), six-story buildings with parking under: Building 1 containing one hundred eight (108) units; and Building 2 containing eighty-four (84) units. There are additionally fifty-two (52) rental townhouses in eleven (11) buildings. Lot 2

(Cedar Edge) contained of sixteen (16) townhouse units within eight (8) duplex style buildings and forty (40) single-family homes. Lots 1 and 2 totaled 300 units. There are 400 bedrooms in the buildings on Lot 1 and 149 bedrooms in the buildings on Lot 2 for a total of 549 bedrooms.

3. The Board's hearing on the application was duly opened on March 4, 2020 and was continued April 15, 2020 (no testimony taken); May 20, 2020 (no testimony taken); June 17, 2020 (no testimony taken); July 27, 2020; August 17, 2020; August 26, 2020 (no testimony taken); September 21, 2020; October 5, 2020; November 2, 2020; November 5, 2020; November 9, 2020; November 30, 2020; January 6, 2021; February 10, 2021; February 22, 2021; March 1, 2021; March 15, 2021; and March 29, 2021. The hearing was closed on March 29, 2021. The Board deliberated on the application on April 5, 2021 and April 14, 2021. All but one of the hearings were held via a virtual platform (zoom webinars) due to the Governor's March 10, 2020 declaration of a State of Emergency and limits on public gatherings. All submittals concerning the Project are part of the administrative record kept at Walpole Town Hall and incorporated herein. All waivers requested and votes taken are listed on **Exhibit A** and incorporated herein.
4. The Project is located at 51, 53 and 55 Summer Street, Walpole, Massachusetts and is identified on Walpole Assessors Map 52, Parcel 59, Parcel 60 and a portion of Parcel 78.
5. The Property is located in the Limited Manufacturing (LM) Zoning District. The Property consists of three parcels totaling 54.73 acres. There are no existing buildings or improvements on the Property. Additionally, an easement was purchased from the abutter located at 87 Summer Street to facilitate a second means of emergency access and looped water service for the development. The Property extends to the east side of the railroad tracks. On the north side there is a Park, School, Recreation & Conservation (PSRC) zoned area encompassing a large wetland area. On the west and south sides there is Residence B (RB) zoned properties. The Property contains a mix of woodlands, isolated vegetated wetlands, bordering vegetated wetlands, vernal pools, and open grassed areas. The site hydrology consists of upland areas flowing to both isolated and bordering vegetated wetlands existing across the entirety of the Property.
6. The Applicant provided certain materials, reports, and revised plans during the course of the public hearing on the Application. During the public hearing, the Applicant was represented by David Hale of 55 SS LLC and the engineering consultants: Howard Stein Hudson Associates, Inc., Mangel Architects, Oxbow

Associates, Inc., Bayside Engineering, and legal counsel, D'Agostine, Levine, Parra and Netburn P.C. and Macchi & Macchi LLC.

7. The Board utilized the services of Tetra Tech, Inc. for civil, stormwater peer review and traffic peer review. Judi Barrett of Barrett Planning Group LLC also advised the Board as its technical consultant through the Massachusetts Housing Partnership Technical Review program. Town Counsel also attended the public hearings and advised the Board.
8. During the hearings, there was significant public input on a number of neighborhood concerns. The Board heard input from abutters and other interested persons throughout the hearing process on topics including, but not limited to, the density of the Project, increased traffic and safety concerns mainly regarding the one road access exceeding 750 feet in length and the height of the apartment buildings. The following Board members were present for the entire public hearing process: Chairman John Lee, Vice Chairman Susanne Murphy, Mary Jane Coffey, and Drew Delaney. Robert Fitzgerald was absent from one public hearing but complied with G.L. c. 39, § 23D.
9. A Decision was filed with the Town Clerk on April 27, 2021. The Applicant appealed the Decision to the Housing Appeals Committee ("HAC") on May 12, 2021. On June 4, 2021, the Board filed a Corrected/Amended Decision correcting a scrivener's error. After the Conference of Counsel, the HAC issued an Order of Referral to Mediation on May 28, 2021. The parties conducted mediation on July 12, 2021. On July 14, 2021, the Board met in executive session to discuss settlement based on a revised plan, conditions and waivers and voted to approve this Revised Decision.

## II. JURISDICTIONAL FINDINGS

10. The Applicant received Project Eligibility Letters ("PELs") from MassHousing dated January 13, 2020 and submitted copies to the Board with the original application. According to the PELs, the Applicant has demonstrated its eligibility to submit an application for a Comprehensive Permit to the Board, and the development fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1) as follows:
  - a. The Applicant has formed a limited dividend organization (as defined in 760 CMR 56.02), 55 SS, LLC, which has a principal place of business of 6 Lyberty Way, Suite 203, Westford, Massachusetts. The Applicant has agreed to conform to the limited divided requirements of M.G.L Chapter

40B.

- b. The Applicant owns a portion of the Property (parcels 52-59 and 52-60) via Deed from WRG Cofsky Realty to 55 SS, LLC, dated August 28, 2019 and recorded with the Norfolk Registry of Deeds in Book No. 37105 and Page No. 482. The Applicant owns the remainder of the Property (parcel 52-78) via Deed from Baker Hughes Process Systems LLC to 55 BH LLC, a related entity, dated October 31, 2019 and recorded with the Norfolk Registry of Deeds in Book No. 37303 and Page No. 11 and registered with the Norfolk County Land Court as Document No. 1,433,280 Certificate No. 201454. The Applicant transferred ownership of this portion of the property from 55 BH LLC to 55 SS LLC via Deed dated February 5, 2021 and recorded with the Norfolk Registry of Deeds in Book No. 38968 and Page No. 91. According to the PEL, the Applicant has shown threshold evidence of site control sufficient to qualify as an Applicant for a Comprehensive Permit.
  - c. The Applicant has agreed to execute a Regulatory Agreement that limits its total profit and directs the redistribution of excess profit in accordance with the regulations adopted by the Massachusetts Department of Housing and Community Development ("DHCD").
11. On April 25, 2019, the DHCD approved Walpole's Housing Production Plan pursuant to 760 CMR 56.03(4).

III. FACTUAL FINDINGS

12. The Board engaged peer reviewers to review issues concerning civil engineering, traffic, site design, architecture and stormwater impacts of the Project. The Board also sought comments from Town Departments and abutters in the surrounding area.
13. The Board is aware that the goal of G.L. c. 40B is to promote the development of affordable housing while considering the Local Concerns. Pursuant to 760 CMR 56.02, Local Concerns involve 1) the need to protect the health or safety of the occupants of a proposed Project or of the residents of the municipality; 2) to protect the natural environment; 3) to promote better site and building design in relation to the surroundings and municipal and regional planning; 4) or to preserve Open Spaces. With the Project as conditioned, and the substantial waivers granted, the Board is of the opinion that this decision will promote affordable housing while taking into consideration Local Concerns.

14. The ZBA's independent peer reviewer, Tetra Tech has noted that the Project was proposed with only one means of access serving the entirety of the 300-unit project whose highest density areas are located approximately 2,500 feet from the main entrance off Summer Street. The single access was a concern as it provided no alternate means of access or egress should the primary entrance be blocked. Tetra Tech recommended the Project provide an emergency access separate and suitably remote from the main entry that can be available for use on demand by emergency responders and could serve as an alternate general entry in an emergency. In response, the Applicant secured an easement over a portion of the abutting property, 87 Summer Street, to facilitate a second means of emergency access and a looped water service for the development.
15. The Project will result in the near doubling of the size of the South Walpole community. Given the proposed development is substantially larger than otherwise would be allowed under current zoning it is unlikely that the original design of the municipal water and sewer systems would have contemplated demands of the magnitude proposed. In response, the Applicant provided documentation supporting the conclusion that water and sewer capacity in the local municipal infrastructure is sufficient to serve Project needs safely and without significant impact to existing users and the Project now includes a remote water connection at the new emergency access which was reviewed and supported by the Board's peer review engineer.
16. The civil engineering peer review and the Walpole Fire Department and other local officials identified numerous issues of concern, including the width and configuration of the access road (an issue for fire vehicle access), length of roadway, lack of visitor parking, and garage parking. The Fire Department noted a significant concern with regard to the two proposed six-story buildings, both with garages under, one consisting of 108 residential units and the other with 84 residential units, and stated that the buildings have "the possibility to create an extreme challenge for a fire department staffed as Walpole Fire currently is". (See Fire Department comments dated 2/22/2021). The Fire Department further stated that there is a significant concern with regard to the dead-end street and further stated "[w]hile this 300 unit site is not proposed as a subdivision, it will function as one." *Id.* The Board recognizes that the Fire Department comments signify issues concerning health and safety of the potential occupants of the Project which is a Local Concern.
17. The Board was also presented with concerns about impacts upon Summer Street (and the immediate area) which will provide the sole access and egress for the

Project, and the close proximity of the Project to the Boyden School, Gillette Stadium, the existing neighborhood single-family residences and the impacts to the neighborhood during construction. The Walpole Police Chief notes that significant public safety advancements are required to the surrounding area due to the large size of the proposed Project in a confined area, increasing traffic, and adding pedestrians, many of which will be adolescent age. The Police Chief further notes that the Summer Street infrastructure including sidewalk connections to Delapa Circle are not adequate. The roadway is hilly, winding, and can be unsafe crossing the street or for vehicular travel and that more sidewalks and improved signage and infrastructure needed. Additionally, the Police Chief requested that the Applicant meet with MADOT to reduce the speed limit on Washington Street as the Applicant had committed to do at a meeting with Department Heads. The Applicant subsequently stated that he is not willing to use the traffic study to work with MADOT to reduce the speed limit. (Police Chief comment letter dated 10/30/2020). The Applicant responded that the suggested improvements are not related to the Project. The Board disagrees as the Project as proposed will add 300 housing units and several hundred more residents to this area. Further, the Applicant's traffic analysis indicates the Project will result in a significant degradation in level of service at the intersection of Summer, Washington and Neponset Streets and has offered proposed off-site measures to mitigate Project impacts. The Applicant has investigated several options for improving capacity and pedestrian safety at the intersection of Summer, Washington and Neponset Streets including traffic flow modifications, one-lane and two-lane traffic circles and a reconfigured signalized intersection. The options were reviewed by representatives of the Walpole Fire, Police, Planning and Engineering Departments, the Selectboard (as Road Commissioners) and Tetra Tech from which a reconfigured signalized "T" intersection was unanimously preferred. Further, the Walpole Selectboard, as Road Commissioners have requested that the signalized "T" intersection be required as part of the Project. The Board recognizes that the comments of the Police Chief and Tetra Tech signify issues concerning health and safety of the potential occupants of the Project as well as the residents of Walpole, which is a Local Concern.

18. The revised roadway and building layout still include several instances where fire truck access is compromised. Most notably, parking layout adjacent to the now 6-story buildings significantly compromises the ability for emergency responders to stage a response or to access the building with equipment or personnel. At a minimum the Project must provide adequate area in which a responding fire truck and its personnel can immediately and reliably access the structure including providing a second means of accessing below building parking. Similarly, access

roads should be designed in a manner that, if avoidable, does not require fire trucks to back up in order to change direction preferably by utilizing turnaround circles at the end of roadways as described in town subdivision guidance. Units 9-12 present a very awkward and difficult access scenario for fire trucks requiring the truck to back up more than 200 feet along a curve and execute a multi-point turn in order to exit. The Fire Department has been consistent in its requests that all roads include circular turnarounds at the end to allow fire trucks to change direction. Current site plans show parking along the entire front of Building's 1 and 2 which significantly impairs the Fire Department's ability to access the building or stage an emergency vehicle. In response, Applicant has provided emergency vehicle staging areas at the end of Building's 1 and 2 opposite the proposed vehicle entrance and has provided additional space for emergency personnel to access the building's main entry. The Applicant has also modified the design of the Units 1-12 to provide a means for fire apparatus to access the Property without having to back up.

19. For the rental portion of the Project, Lot 1 (Cedar Crossing), the Applicant proposed the following number of parking spaces: two (2) spaces for each townhouse units (one (1) in the garage and one (1) surface for a total of one hundred and four (104) spaces), and ninety-five (95) garage spaces and two hundred and two (202) surface spaces for the apartment units. Additionally, the Applicant is proposing forty-three (43) visitor spaces and fourteen (14) spaces at the clubhouse. This amounts to a total of 458 parking spaces for the rental portion of the Project. For the home ownership portion of the Project, Lot 2 (Cedar Edge), the Applicant is proposing 4 parking spaces for each townhouse unit and single-family house (two in the garage and 2 surface) plus 9 surface spaces, or a total of 233 spaces. Thus, the Project in total proposed a total of 691 parking spaces.
20. The Conservation Agent expressed concern regarding the proposed activity in the wetland resource areas and buffer zone and provided testimony and recommendations to the Board. In addition to wetland related buffers, the Board discussed extensively the need for appropriate set-back related buffer zones.
21. The proposed Project is located in the Water Resource Protection Overlay District ("WRPOD") the purpose of which is to a) protect, preserve and maintain the existing and potential groundwater supply within the known aquifers of the Town; b) preserve and protect present and potential sources of water supply for the public health and safety; and c) conserve the natural resources of the Town. The Board finds that the Project as proposed exceeds the as-of-right impervious area permitted under the Zoning Bylaw. While the protection of the natural

environment is a Local Concern, the Board has, in light of the other conditions of this Decision, granted a waiver from the special permit requirement under the Zoning Bylaw (*See Exhibit A*).

22. Although the Project does not involve a subdivision, the Project will function as such and the Board is concerned over the fact that the proposed dead-end roadway serving the Project exceeds the 750-foot maximum dead-end roadway length required under the Town's subdivision regulations. This raises fire access/public safety concerns as noted to the Board during the public hearing. The Applicant is encouraged to consider modifications to the Comprehensive Permit plans which would satisfy the 750-foot maximum length requirement, including reduction of the height of the apartment buildings, reduction of the number of buildings and dwelling units if this would improve safety conditions. This would not only address fire safety concerns, but would also enhance open space components of the site plan and would lessen the impact of the Project on the existing neighborhood.
23. With regard to the Local Concern related to promoting better site and building design in relation to the surroundings, the Architectural Peer Reviewer noted that the surrounding existing residential uses appear to be small scale, single family homes, there are no multi-family residential developments close to the scale of the proposed Project and even the Project's five (5) single-family homes (located along Summer Street) are placed very close to each other relative to other homes in the area. Additional concerns identified by the Architectural Peer Reviewer included that the areas available for landscaping are not adequate, and that the shared open space does not appear to be large enough given the number of units who will utilize it. Finally, the Architectural Peer Reviewer notes that "the proposed development does not resemble the existing residential pattern of development in the nearby area. Rather than an extension or enhancement of existing development, it is proposed to be more of a campus setting with its own building types and streetscapes." (Davis Square Architects Letter 11/20/2020).
24. In consideration of the need for affordable housing in Walpole and the Local Concerns discussed above, the Board finds that granting this Comprehensive Permit with the conditions and waivers contained below, provides a significant number of affordable housing units consistent with Local Needs.
25. The Applicant was afforded ample opportunity to address the conditions discussed during the public hearing and did not challenge the conditions on the grounds that they either singly or in the aggregate rendered the Project

uneconomic. Therefore, the Board finds that such conditions will not render the project uneconomic.

26. The Board acknowledges concerns raised by abutters and other interested parties, including concerns relating to construction impacts, Project design, project density, public safety, increased traffic and parking demand, wetland impacts, and stormwater runoff. The Board has addressed these concerns by the imposition of appropriate conditions.
27. The Board's grant of this Comprehensive Permit shall not be construed to either confirm or deny any property rights with regard to the Project or neighboring properties.

#### IV. CONDITIONS

##### A. **General**

- A.1 Except as may be provided for in the following Conditions, particularly Condition A.3 below, or in the Final Plans referenced below, the Project, including all Project driveways and emergency vehicle access/staging accommodations, shall be constructed substantially in conformance with the plans and drawings listed below in this Condition A.1, which for purposes of this Comprehensive Permit shall be considered the Approved Plans for the Project ("Approved Plans"). The Approved Plans consist of the following:

"Proposed Multifamily Development, Summer Street, Walpole MA", prepared by Howard Stein Hudson, 114 Turnpike Road, Suite 2C, Chelmsford, MA 01824, dated January 10, 2020, with revisions through April 13, 2021.

The Plan Set consists of the following sheets:

Sheet C.1 Cover Sheet  
Sheet C.2 Site Plan Notes  
Sheet C.3 Locust  
Sheet C.4 to C.8 Existing Conditions Plans 1-5  
Sheet C.9 Erosion Control and Demolition  
Sheet C.10 Proposed Subdivision/Overall Plan last revised 4/13/21  
Sheet C.11 Open Space & Recreation Plan  
Sheet C.12 to C.16 Layout & Materials Plan 1-5  
Sheet C.17 to C.21 Grading & Drainage Plan 1-5  
Sheet C.22 to C.25 Plan & Profile Driveway "A" 1-4  
Sheet C.26 Plan & Profile Driveway "A" (Single Family Loop)

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Sheet C.27 Plan & Profile Driveway "B"  
Sheet C.28 to C.32 Plan & Profile Driveway "C1" 1-5  
Sheet C.33 Plan & Profile Driveway "C2"  
Sheet C.34 to C.38 Plan & Profile Driveway "D" 1-5  
Sheet C.39 to C.40 Plan & Profile Driveway "E" 1-2  
Sheet C.41 Plan & Profile Driveway "E" Southern Cul-De-Sac  
Sheet C.42 Plan & Profile Driveway "E" Northern Cul-De-Sac  
Sheet C.43 to C.44 Plan & Profile Emergency Access 1-2  
Sheet C.45 to C.49 Utility Plan 1-5  
Sheet C.50 to C.54 Landscaping Plan 1-5  
Sheet C.55 to C.59 Lighting Plan 1-5  
Sheet C.60 to C.68 Fire Truck Turn Plan 1-9  
Sheet C.69 to C.73 Sight Distance Plan 1-5  
Sheet C.74 to C.93 Detail Sheet 1-20  
Additional Plans:  
Roadway B Plan dated: 2/22/21  
Setback Plan dated: 3/31/2021  
Architectural plans dated: 1/7/2020 & 3/4/2020

- A.2 The Applicant shall be a Limited Dividend Organization as required by Chapter 40B and it and its successors and assigns, shall comply with the limited dividend and other applicable requirements of Chapter 40B and the regulations adopted thereunder.
- A.3 The Project shall consist of not more than two hundred and sixty-eight (268) units in the following configuration:
- Lot 1: Building 1, five stories maximum height with 90 apartment units;  
Building 2, five stories maximum height with 70 apartment units;  
Four (4) buildings containing six townhouse units each;  
Seven (7) buildings containing four townhouse units each; and  
One (1) Clubhouse building.  
One (1) maintenance building  
One (1) mail hut
  - Lot 2: Thirty-eight (38) single-family homes; and  
Nine (9) duplex buildings with two townhouse units each.  
One (1) mail hut

The number of parking spaces shall be at least 1.88 parking spaces per dwelling unit.

- A.4 All parking spaces are to be shown on the Final Plan as hereinafter defined in generally the same configuration as shown on the Approved Plans. Visitor parking, except as designated on the Approved Plan, and all other forms of parking are prohibited in the Project driveway. The Applicant and/or any subsequently established Homeowner's Association is required to provide resident and visitor parking stickers to all residents. Any parked vehicle without a sticker will be subject to towing by the Homeowner's Association. The Applicant and/or any subsequently established Homeowner's Association shall work with the Walpole Police Department to create a plan with regard to events at Gillette Stadium. Said plan shall be administratively approved by the Board.
- A.5 Affordable units shall be interspersed evenly throughout the Project, as approved by the Subsidizing Agency during Final Approval.
- A.6 Pursuant to the revised Waiver List submitted to the Board and attached hereto as Exhibit A, the Applicant has requested, and the Board has granted, those waivers from the Walpole Zoning Bylaw and other local by-laws and regulations as specified therein. Some of the waivers granted by the Board have been granted conditionally, as set forth in Exhibit A. Those conditions are expressly incorporated by reference as conditions of approval to this Comprehensive Permit. No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§20-23, and no waivers of any requirements otherwise within the Board's jurisdiction under G.L. c.40B, §§20-23 have been granted except for those expressly granted by the Board as set forth in Exhibit A. To the extent the Approved Plans reflect a waiver not expressly granted in Exhibit A, the terms and conditions of Exhibit A shall govern. No waiver of building permit or inspection fees has been granted except as specifically stated and conditioned. Any subsequent non-de minimis revision to the Final Plans, including but not limited to revisions that are apparent in the Final Plans that require additional or more expansive waivers of any local by-laws or regulations, must be approved by the Board in accordance with 760 CMR 56.05(11).
- A.7 The Project shall comply with all local regulations of the Town of Walpole and its boards, commissions and departments unless specifically waived herein.
- A.8 The Applicant shall copy the Board, through the Board Secretary and the Community and Economic Development Director, on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.

- A.9 Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents for approval by the Building Inspector or other Town Departments, the Building Inspector or applicable Department Head will use reasonable efforts to review and provide a written response within thirty (30) days following submission. For submissions that require assistance from an outside consultant, as determined by the Building Inspector or applicable Department Head, the thirty-day time period shall not begin until the consultant's fee has been fully funded by the Applicant.
- A.10 The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers, or assigns its interest in the development, this Comprehensive Permit shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The limited dividend restrictions shall apply to the owner of the project regardless of sale, transfer, or assignment of the project.
- A.11 The sidewalks, driveways, roads, utilities, drainage systems, and all other infrastructure shown on the Approved Plans as serving the Project shall remain private in perpetuity, and the Town of Walpole shall not have, now or in the future, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal, drainage and landscape maintenance. In this regard, the driveway within the Project shall not be dedicated to or accepted by the Town.
- A.12 Unless otherwise indicated herein, the Board may designate an agent to review and approve matters on the Board's behalf subsequent to this Decision.
- A.13 The Applicant shall submit to the Building inspector and Board prior to any construction or site development activities (including site clearing, tree removal, grading, etc.):
  - a. Final Architectural Plans prepared, signed and sealed by an architect with a valid registration in the Commonwealth of Massachusetts. Said plans shall be reviewed by the Building Inspector, as to whether or not the final plans conform to the approved Plans and the conditions of approval. If the Building Inspector takes no action within 60 days of receipt, the plans shall be deemed to conform.
  - b. Final Engineering Drawings and Plans ("Final Plans") that conform to the

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requirements of this Comprehensive Permit and incorporate the conditions herein. The Final Plans shall also incorporate all conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Plans shall be signed and sealed by the Professional Land Surveyor of record and the Professional (Civil) Engineer of record. The Final Plans shall be submitted to the Building Inspector at least sixty (60) days prior to the anticipated date of the submission of an application for building permit(s) (the "Final Site Plan Submission Date").

Final Plans shall include the location of walkways to outer doors of each unit or building if and as applicable which shall include walkways to stairs, deck, paths and access at the rear of each unit or building if and as applicable. Final Plans shall provide grading detail between the common driveways and the buildings.

The Final Plans shall be in accordance with the conditions of this Decision. If no written response or comments have been given to the Applicant by the Building Inspector concerning the Final Plans within sixty (60) days after the Final Plan Submission Date, the Final Plans, as delivered, will be deemed to have been approved. The Final Plans may be submitted and reviewed separately for the Ownership and Rental portions of the Project.

The Final Plans submittal shall include the following detail and supporting information:

- i. Final construction plans including at a minimum current versions of all plans and details included in the Approved Plans and any supplemental details or plans needed to document compliance with the conditions. (See Section C below)
- ii. Final Stormwater Report documenting compliance with the Massachusetts Stormwater Management Standards and Stormwater Handbook.
- iii. Water system design and analysis demonstrating expected system performance as described in Applicant's related submittals to the Building Inspector and the Board.
- iv. Sewer system design and analysis including pump station and force main sizing calculations, and related design details demonstrating the proposed sewer system will reliably serve the project residents and including provisions for a gravity connection to the public sewer system.

- A.14 Applicant must obtain rights of access for work proposed on any property outside of its ownership and/or control and that any mitigation requested by abutters whose property will be used by the Applicant shall be shown on the Final Plans.
- A.15 There shall be no other permanent marketing or identification signage other than that shown on the Final Plan consisting of two signs.
- A.16 Signage indicating Property boundary shall be installed and on lot 2, a vegetative buffer shall be planted and maintained by the Applicant and/or successor behind units 41-54 and behind units 1 and 2. Plantings will be 8 foot tall Thuja Green Giant arborvitae (*Thuja standishii x plicata*) planted 10 feet on center for the entire length behind units 41-54 and units 1 and 2. Additional screening consisting of fencing shown on the approved plans will also be located behind units 41-54 and units 1 and 2.
- A.17 Access to Existing Trails in the River Front Area - Between 30 minutes before sunrise and 30 minutes after sunset, and with such reasonable restrictions as imposed by the HOA, the public shall have pedestrian access to and the right to pass over the trails in the River Front Area. The pedestrian access to the unimproved trails shall be via the trails on the property of others, or over the property driveways via three locations: 1) the northern cull de sac of Driveway E, 2) the one-way section of driveway D, and 3) along the northeastern side of Driveway C in the general vicinity of the Dog Park. In addition, with reasonable notice to the HOA, representatives of the Walpole Trails Committee or the Walpole Conservation Commission may maintain the trails so long as all work is done lawfully, and any required permits are obtained. It is understood that neither the HOA nor any associated property owners will be responsible to obtain any permits, or have any responsibility or any liability, for such maintenance work.
- A.18 Trail access signs -A sign, not less than 8" x 12" will be set at each of the 3 above mentioned locations where access is allowed to the unimproved trails at the intersections with the common driveways. The sign shall read "Walking Trail Access – Unimproved Trail -Footing may be soft or uneven. Please remove dog waste and trash" or as mutually agreed with the Walpole Conservation Commission.

**B. Affordability**

- B.1 A minimum of 25% of both the rental and the home ownership units shall be low- or moderate-income units, meaning that they shall be sold or rented to, and occupied by, households whose income is not more than 80% of the Area Median Income ("AMI"), as determined by the United States Department of Housing and Urban Development ("HUD") and DHCD ("Affordable Units"). Affordable units shall be dispersed throughout the Project in accordance with the guidelines of the Subsidizing Agency. The Applicant shall be responsible for maintaining records sufficient to comply with DHCD guidelines for the location of Affordable Units in the Project and occupancy of such Units by income-eligible households.
- B.2 Upon completion of the Project, and in perpetuity, 100% of the rental units (both apartment and townhouse units); 4 homeownership duplex units; and 10 single-family home ownership dwellings shall meet the criteria for inclusion in the DHCD's Subsidized Housing Inventory.
- B.3 The Applicant shall obtain approval by the Subsidizing Agency of an affirmative fair housing marketing plan prior to the sale or rental of any units and shall ensure that the Project complies with the Subsidizing Agency's fair housing requirements.

**C. Submission Requirements**

- C.1 Prior to any construction or site development activities (including site clearing, tree removal, grading, etc.) on the Property, whether or not pursuant to a building permit, the Applicant shall:
- a. Deliver to the Board a check for \$25,000.00 to be used for the Building Inspector to retain outside experts for technical and legal reviews required under these conditions. Said funds shall be deposited by the Building Inspector in an account pursuant to G.L. c. 44, s. 53G and shall only be used for technical reviews associated with this Project. Any unspent funds shall be returned to the Applicant with accrued interest at the completion of the Project. In no event shall the Applicant be required to expend any additional funds for any further technical and/or legal reviews. . .
  - b. Obtain any and all Federal, State and local permits and approvals required for the construction and operation of the Project.
  - c. The Board and Fire Department shall be provided a copy of the

Stormwater Pollution Prevention Plan submitted along with the National Pollutant Discharge Elimination System permit filing. The Applicant shall employ a competent person on the Property during all construction activities trained in handling and reporting potential fluid spill.

- d. Provide the Board and Building Inspector with recording information documenting the fact that an Order of Conditions for the Project issued by the Conservation Commission or MassDEP has been recorded in the Norfolk Registry of Deeds and that all appeals have been exhausted.
- e. Provide the Board and Building Inspector a copy of all agreements granting access over any property in which work is proposed or access is required to complete the work shown on the Final Plans.
- f. Submit Final Plans and supporting documentation for review and approval by the Building Inspector and its review consultant. Including all materials described in A.13 and demonstrating compliance with the following conditions:
  - 1. At least 20 feet is maintained between the limit of inundation during the 100-yr storm event and any adjacent home or connecting driveway or walk and that limit of inundation be clearly shown on the Final Plans.
  - 2. Compliance with all applicable provisions of the Massachusetts Stormwater Management Standards and Handbook.
  - 3. All parking spaces must have a minimum dimension of 9'x19' and must not encroach on any public right of way or on any path of public accommodation (travel way or sidewalk).
- g. Determine the volume of cuts/fills needed for the Project and provide such information to the Board, signed by the Registered (Civil) Engineer of record.
- h. A construction management plan shall be submitted to the Building Inspector for review and approval, including, but not limited to, (1) project phasing, (2) methods to ensure public safety and site security, (3) operating hours, (4) contractor parking and equipment and material laydown, (5) controls to limit noise and vibration, (6) controls to manage air, dust, stormwater, and sediment, (7) waste disposal and materials re-

use and (8) traffic management. The Applicant shall also include in its construction management plan, a plan for ensuring health and safety concerning disturbance and stockpiling of potentially contaminated soils on site as required by applicable state regulations. At least four monitoring wells shall be provided by the Applicant as stipulated in D.7. The Applicant has utilized EPA testing methods 8260C (hydrocarbons) to determine baseline as reported in Enstrat Subsurface Investigation report previously submitted dated 9-20-19.

- i. Other than site work and such other work as may be authorized in writing by the Building Inspector, no other construction of units shall commence and no building permits shall be issued under this Comprehensive Permit until the Building Inspector has approved the Final Plans as being in conformance with this Decision.
- j. The construction management plan shall also provide a 24-hour contact person for the Applicant who will be available to respond to local officials or area residents reporting issues or problems that may arise during construction.
- k. Applicant shall also make the following submissions:
  - 1. Submit to the Building Inspector a construction schedule outlining the entire development of the Project.
  - 2. Submit to the Board and the Fire Department a Site-Specific Safety Plan including but not limited to emergency contacts information for the job team, muster point for emergency personnel, emergency response plan, sign-in area for all site visitors, designated employee parking area, and designated fueling area. All employees on site shall be responsible for understanding the plan and, at any point during the construction process, the Project shall be subject to inspection by the Building Inspector for compliance of all site personnel.
- l. Provide a construction sequencing plan to the Building Inspector prior to issuance of building permit. Plan should show construction trailer location, stock-piling areas, equipment fueling areas, equipment nightly storage plan, material laydown areas, emergency muster point, emergency access locations, temporary construction dumpster locations, and hazardous material storage area if any.

C.2 Prior to the issuance of any building permits, the Applicant shall:

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- a. Record this Comprehensive Permit with the Norfolk Registry of Deeds, at the Applicant's expense, and provide proof of such recording with the Walpole Building Inspector, Community and Economic Development Director and Town Clerk.
- b. Submit to the Board and the Building Inspector evidence of Final Approval from the Subsidizing Agency, MassHousing, as required by the Project Eligibility Letters and the Chapter 40B regulations.
- c. Submit to the Board and the Building Inspector fully executed copy of the Regulatory Agreement and Monitoring Services Agreement for each or the ownership and rental portions of the Project and evidence of recording the same. The Building Inspector shall also be provided with evidence of a subsidy funding commitment by MassHousing or an approved New England Fund lender prior to the issuance of any building permit.
- d. Submit a sign application to the Building Inspector and include location and details of every sign to confirm its compliance with this Decision.
- e. Submit Final Plans and required supporting material to the Board and Fire Department for its review and approval by the Fire Department prior to the submittal of any building permits or construction of any utility infrastructure.
- f. Intentionally omitted.
- g. Obtain and file with the Building Inspector a copy of all required Federal, State, and local permits and approvals required to begin construction of the Project.
- h. Obtain all necessary electrical, plumbing, and other permits required to begin construction on the building for which the building permit is sought.
- i. The Applicant shall provide security in sum of one hundred twenty-five percent (125%) of the bona fide estimate of the cost of sediment control and site stabilization. These funds will be used to stabilize the Property should the Project be abandoned, or should no construction activity take place for twelve consecutive months.

C.3 Staging area(s) for construction equipment and deliveries must be constructed

before any buildings are started. Area(s) must be on the Property and not block access in and out of the Property.

**D. Construction Completion/Certificate of Occupancy**

- D.1 The Applicant shall conform to all local, State, and Federal laws regarding noise, vibration, dust, and blocking of Town roads.
- D.2 The Applicant shall adhere to strict compliance with this Decision to minimize inconvenience to residents in the general area.
- D.3 Adequate provisions shall be made by the Applicant to control and minimize dust on the Property during construction in accordance with the construction management plan. The Applicant shall keep all portions of any public way used as access/egress to the Project free of soil, mud or debris deposited due to use by construction vehicles associated with the Project and shall employ water-based street sweeping so as to avoid clouds of dust in and around the public and private ways and surrounding neighborhood.
- D.4 During the construction process, up-to-date Material Safety Data Sheet must be kept on site with any materials brought onto the site and used on site by the construction team.
- D.5 Prior to issuance of certificate of occupancy for specific dwelling unit(s), the Applicant shall with respect to said dwelling unit(s) as applicable to the portion of the site where the dwelling unit(s) is/are located:
  - a. Submit engineer's interim certification of compliance with utilities plan and profiles (as applicable) to the Walpole Building Inspector.
  - b. Provide a letter to the Board, signed by the Applicant's civil engineer, certifying that the as-built Project has been constructed in compliance with the Final Plans in all material respects, or noting where there are differences.
  - c. Obtain acceptance from the Walpole Fire Department of testing of all fire protection systems, fire alarm systems, fire sprinkler systems, and local smoke alarms within the dwelling units and that all fire hydrants are in place at proper grade and functioning.

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- d. Prior to the first certificate of occupancy for the first dwelling unit, submit to the Board's counsel the Homeowner's Association documents for Lots 1 and 2 and the Condominium Master Deed, Condominium Declaration of Trust and accompanying condominium plans (together, the "Condominium Documents") for Lot 2. Such Homeowner's Association Documents and Condominium Documents shall incorporate all the conditions of this Decision by reference.
- e. Submit as-built plan of stormwater basins and infiltration units associated with the portion of the site seeking a certificate of occupancy along with certification by Applicant's Civil Engineer of compliance with the conditions of approval for the stormwater management system set forth in the final approved stormwater management plans that have been approved by the Town's peer review engineer.

D.6 Prior to issuance of the certificate of occupancy for the last residential unit, the Applicant shall:

- a. Submit to the Building Inspector, in digital file format, a final as-built utilities plan showing actual-in ground installation of all applicable utilities, rim and invert elevations, roadway, sidewalk and associated construction. The file format shall be in a form acceptable to the Building Department. AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts State Plane Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet.
- b. Submit to the Building Inspector as-built plans for all buildings in the Project.

- c. Submit to the Board, Building Inspector and Chief of Police all information relating to the Homeowner's Association rules and regulations and the management company being retained to act as the property manager that the Applicant submits to the Subsidizing Agency as part of the Final Approval process. Such property management agreement and Homeowner's Association rules and regulations shall, at a minimum, address building security, public access, pet policy, staffing, trash removal, smoking policies, snow and ice removal, and snow storage.
  - d. Submit verification that the stormwater management system including but not limited to catch basins, infiltration units, pipes and detention basin, has been inspected and cleaned.
  - e. Submit to the Board a certification of compliance with all terms and conditions of this Comprehensive Permit.
  - f. Certification by the Town Engineering Department that all off-site measures (if any) are complete.
  - g. Certification from the Town's DPW Water and Sewer Department that all sewer and water systems have been installed, tested, and that all valve covers and other related items are at grade and are in proper working condition.
- D.7 Any evidence of illegal dumping or contamination of soil or groundwater encountered during construction shall be reported as required under applicable federal, state or municipal regulations to the Massachusetts Department of Environmental Protection ("MassDEP") and the Walpole Board of Health. At least four (4) monitoring wells be maintained on site at locations approved by a Licensed Site Professional which are suitable for monitoring groundwater across the site.
- E. Project Design and Construction**
- E.1 Prior to the commencement of any work on the site, the Applicant and the site general contractor shall attend a preconstruction conference with the Building Inspector and other Town staff. If Applicant has obtained a demolition permit, Applicant may proceed with demolition of existing structures in accordance with the terms and conditions of the permit. Applicant shall further meet monthly with the Building Inspector and other Town staff if requested by the Building Inspector and/or any other Town Staff member until construction is complete.

- E.2 At reasonable times and after notice to the Applicant, representatives of the Board may observe and inspect the Property and construction progress until such time as the Project has been completed at their own risk.
- E.3 The proposed construction shall be in accordance with applicable Federal and State laws, rules and regulations.
- E.4 All site retaining walls four (4) feet or greater in height shall be designed by a Massachusetts Professional Structural Engineer and shall be equipped with a 4 foot chain link fence for safety purposes.
- E.5 During construction, the Applicant shall comply with the construction management plan referenced in Condition C.1.
- E.6 Appropriate signage shall be shown on the Final Plans. The Board has approved certain waivers from the Town of Walpole Bylaws regarding signs. All other sign regulations shall be abided by.
- E.7 The location of all utilities, including but not limited to electric, telephone, and cable, shall be shown on the final plans provided to the Board and Building Inspector.
- E.8 If the Applicant uses natural gas for the Project or any part thereof, gas service locations shall be included on the Final Plans.
- E.9 Lighting shall be installed as follows:
  - a. All proposed exterior lighting shall comply with all applicable federal, state, and local laws, rules, and regulations, including but not limited to, applicable sections of the Massachusetts Building Code, the Walpole Zoning Bylaws, and the Walpole Town Bylaws. In event of a conflict among such requirements, the most restrictive provision shall apply. A proposed lighting plan shall be submitted to the Building Inspector and Board. The lighting plan submitted shall show all locations of proposed street lighting fixtures, exterior mounted light fixtures, signage lighting, and landscape lighting. The lighting plan proposed shall include, but not be limited to, a site plan depicting the property lines of all properties for which lighting is proposed, the location and specification of all exterior light fixtures to be installed within the Property, their lumen values, mounting heights, shielding, directionality and controls, protections

provided to minimize light pollution, the uses of properties associated with parties in interest, other relevant site conditions, and any additional information required to demonstrate compliance with applicable standards. The lighting plan submitted shall include a proposed photometric calculation to ensure public safety and minimize light trespass from the proposed project property line.

- b. *Permanent Street Lighting*  
No free-standing light fixtures shall be installed to a height exceeding 15 feet. All illumination shall be directed and/ or shielded so as not to shine beyond the perimeter of the site or interfere with traffic. (Walpole ZBL Section 13 Sub-Section 10.A(5))
- c. *Permanent Exterior lighting mounted to building structures*  
Broad lighting will be highly discouraged while soft lighting aimed down will be highly encouraged. (Walpole ZBL Section 13 Sub-Section 12.H(1)). Exterior mounted fixtures must be partially shielded directional light fixtures, placed not less than 4 feet apart or 12 feet in height from the surface area to be illuminated.).
- d. *Signage Lighting*  
All signage lighting shall comply with Walpole Zoning By-laws per Section 7.  
All signage lighting shall be limited to white steady, stationary light of reasonable intensity that is directed solely at the sign and shielded from abutting parcels.
- e. *Seasonal Lighting & Landscape Lighting*  
Landscape lighting shall be limited to lighting of trees, shrubs, or other plant material. Lighting shall be "low-level light fixtures" (3 feet or lower) and only be directed in a downward facing direction. Seasonal Lighting shall not be permitted for longer than a six-week period in any calendar year.
- f. *Construction & Temporary Lighting*  
Temporary lighting used for security or illumination purposes shall be shielded and down-ward facing. Temporary lighting of the interior buildings must be contained with-in the building structure or shut off between the hours of 10:00 pm to 6:00 am.

g. Photometric Survey:

Upon completion of said Project a photometric study shall be conducted by a registered professional engineer license in the Commonwealth of Massachusetts at the cost of the Applicant to ensure compliance with the conditions of this Section E9. All exterior light fixtures shall comply with IDA fixture seal of approval. All proposed lighting shall promote Dark Skies and minimize glare while reducing light trespass and skyglow. All products proposed shall be required to be fully shielded and minimize the amount of blue-light in the nighttime environment. Light trespass shall be limited to 0.5 foot-candle at the property line and there shall be no unshielded point sources of light visible from adjacent streets and properties.

E.10 Utilities, including but not limited to telephone, electric, and cable, shall be located underground from Summer Street.

E.11. No exterior work shall be conducted except snow management or work to prepare the site for a weather event, on Sunday or on the following National holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas.

- E.12 Due to close proximity to existing residences, along with school children and people walking about the area on weekdays, construction activities shall be conducted between the hours of 8:00 a.m. and 7:00 p.m., Monday through Friday. Construction activities shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. on Saturdays. When Walpole Public Schools are not in session such as school breaks, summers and certain holidays not listed below, construction activities shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. Interior construction activities may be conducted at any time. Additionally, the construction management plan shall take into account the Boyden School pickup and drop-off hours and shall restrict vehicles larger than a pickup truck from passing by the Boyden School during its pickup and drop off times. Upon the direction of the Building Inspector and/or Police Department, the Applicant shall utilize a uniform police detail at the entrance of the construction site during school morning and afternoon pickup hours if construction operations are unreasonably impeding traffic flow on Summer Street. Any work causing noise over 85 decibels at any segment of a property line which is 215 feet or closer to an adjacent residential dwelling shall be further restricted to hours of 11:00 a.m. to 3:00 p.m. For purposes of this condition, construction activities shall be defined as: start-up of equipment or machinery, vehicle fueling; vehicle access to and from site; delivery of building materials and supplies; delivery or removal of equipment or machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; and erection of new structures. All off-site utility work shall be coordinated and approved by the Building Department and shall not be subject to the timing restrictions set forth above. Parking of all vehicles and equipment must be on site during construction.
- E.13 Burning or burial of construction or demolition debris on the Property is strictly prohibited. All such materials are to be removed from the Property in accordance with applicable law, and Applicant shall provide manifests/bills of lading to the Town certifying the removal of any waste or contaminants from the Project site. The Applicant shall also include a dumpster location and management plan for approval by the Building Inspector prior to commencement of work at the Property including a dumpster emptying and removal protocol from a duly licensed and insured private contractor approved by the Building Inspector. Due to the Project's location above and adjacent to a Town aquifer, all construction dumpsters shall be covered nightly to prevent blow out of trash debris. Covers shall be rain-repellant to mitigate water infiltration into the dumpsters and run-off of liquids from the dumpsters.

- E.14 During construction, the construction area shall be secured against unauthorized entry or vandalism by construction security fencing, and all construction materials shall be stored or stockpiled in a safe manner.
- E. 15 Applicant shall also identify the proposed location for any construction trailer on site during the course of construction for the Building Inspector's approval. Applicant shall renew the building permit for the construction trailer every six (6) months. Any floodlights used during the construction period shall be located and directed so as to prevent spillover or illumination onto adjacent properties. All construction activities are to be conducted in a workmanlike manner.
- E.16 No building areas shall be left in an open, unstabilized condition longer than sixty (60) days. Temporary stabilization shall be accomplished by hay bales, hay coverings or matting. Final stabilization shall be accomplished by paving or loaming and seeding exposed areas. All 2:1 slopes or steeper areas shall be permanently stabilized with rip rap or vegetated cover.
- E.17 All retaining walls visible from a public way or direct abutters, as determined by the Building Inspector based upon the time of year when such walls would be most visible, shall be constructed in an aesthetic manner. Specifically, retaining walls shall avoid the use of exposed concrete (except for modular concrete block wall systems) to the greatest extent practicable.
- E.18 Except for reasonably sized windrows along pavement edges, snow shall be stored within the areas of the Property designated on the Approved Plans, and shall not be stored anywhere on the interior roadways or wetland resource areas, in compliance with all applicable DEP regulations and in a manner that maintains Fire Department access at all times. To the extent snowfall exceeds the capacity of the designated snow storage on the site, the Applicant shall truck the excess snow off-site. The Final Plans shall include a snow management plan, and the Applicant shall remove from Construction Site Drawings (Site Plans Rev 10) Site Notes No. 12 Page C.2 "Snow Storage is not limited to the areas denoted in the layout and materials plans. All Snow storage shall be a minimum of 50' from any wetland."

- E.19 The Applicant shall comply with all applicable state and federal requirements relating to noise from construction activities, including the regulations contained at 310 CMR 7.10 and the DEP's Noise Policy contained in DAQC Policy 90-001. The Applicant shall also implement all necessary controls to ensure that vibration from construction activities does not constitute a nuisance or hazard beyond the Property. Upon notification from appropriate municipal officials, the Applicant shall cease all construction activities creating noise in excess of state and federal standards, and shall implement such mitigation measures as is necessary to ensure the construction activity will comply with applicable State and Federal requirements.
- E.20 The Applicant is responsible for the sweeping, removal of snow and sanding of the internal roadways and driveways providing access to residents of the Project, as well as emergency vehicles.
- E.21 The Applicant shall maintain all portions of any public road, whether state or local roads, used for access to the Property by construction vehicles, free from soil, mud or debris deposited due to such use during the duration of construction.
- E.22 All construction vehicles shall be parked on the Property. No construction equipment can be staged on Summer Street or other public ways.
- E.23 The Construction Management plan shall also include provisions securing the site so that children are kept out of the site and are protected against unsafe conditions. Permanent fencing shall comply with the plans and any Order of Conditions or Superseding Order of Conditions.
- E. 24 Prior to the commencement of any work on the Property, the Applicant and the site general contractor shall submit a dust mitigation plan and air quality management plan to the Building Inspector. Water must be used to mitigate any dust caused by rock crushing, soil sifting, or any other dust creating operation.
- E.25 Construction security fencing shall be utilized at least until the first certificate of occupancy is issued to ensure the safety and security of the site for the benefit of the surrounding neighborhood and the Applicant. Six (6) foot tall chain-link fencing shall be utilized with access gate at the entrance of the site. Walpole Fire Department shall have access to a lock box placed at the entrance to the gate during the construction process. Security personnel shall be utilized to open and close the site daily according to hours of operation as stated in this Comprehensive Permit.

- E.26 A proper truck pad shall be created and maintained at the entrance to Summer Street to wash and diminish the tracking of any debris from the site onto Summer Street.
- E.27 All construction equipment must be off-loaded on the Property. No equipment or material shall be off-loaded on Summer Street.
- E.28 The Applicant shall submit a trucking routes plan which shall restrict vehicles larger than a pickup truck from passing by the Boyden School during its pickup and drop off times, subject to the review and approval of the Town Engineer which shall not be unreasonably withheld and delayed.
- E.29 Applicant shall restrict idling of construction equipment during construction phase of project for more than 5 min per MassDEP requirements. All construction equipment shall be limited to starting times dictated by the construction permit and order of conditions set forth herein.

**F. Roadway and Traffic Safety Conditions**

- F.1 Access and egress to the Project shall be consistent with the Approved Plans.
- F.2 Any reduction in the number of parking spaces for the Project, absent a corresponding reduction in the number of units, shall constitute a substantial change pursuant to 760 CMR 56.05(11).
- F.3 Internal sidewalks shall be constructed as shown on the Final Plans. Applicant shall install ADA compliant wheelchair ramps with detectable warning panels at the sidewalk transitions to the internal driveways.
- F.4 The internal driveways to each unit shall be designed and constructed in accordance with the Approved Plans, excluding the waivers granted by the Board.
- F.5 All individual unit driveways shall have a minimum depth of 19' as measured from the face of building/edge of pavement to the nearest path of public accommodation (ie. travel way or sidewalk).
- F.6 Appropriate directional and safety signage shall be installed and maintained on the internal driveways as shown on the Final Plans approved by the Fire Department. All stop signs to be installed shall be consistent with the current Manual on Uniform Traffic Control Devices (MUTCD) standards and guidelines.

- F.7 Applicant shall maintain the sight distance at the entrance by limiting/trimming vegetation. The sight distance shall be maintained under the Town Engineer's supervision.
- F.8 Internal Cross walks – Internal crosswalks shall comply with the current MUTCD.
- F.9 The Applicant and/or its successor shall be responsible for providing personnel at the entrance to the Project for stadium events. Additionally, if the Walpole Chief of Police determines that additional police presence at the Property is necessary he may require such up to fifteen (15) times per year. The police detail would commence one hour before the scheduled stadium event and conclude one hour after the event ends. For the police ordered details, the Police Department will request payment from the stadium and if the stadium refuses to pay within a reasonable time period, the Applicant and/or its successor shall pay for the detail(s) not to exceed \$10,000.00 per year.
- F.10 A Transportation Coordinator ("TC") will be assigned the responsibilities of coordinating the Transportation Demand Management ("TDM") program and will also promote alternative transportation modes by posting local commuter rail schedules and encouraging residents to use public transportation. Further, the TC will also promote ridesharing via carpools for residents. The Applicant will recommend that residents interested in car-pooling provide their contact information.
- F.11 Bicycle racks will be located throughout the site to encourage the use of bicycles.
- F.12 The Applicant will develop accommodations for car sharing services (e.g., ZipCar).
- F.13 5 parking spaces at each of Building 1 and Building 2 will be reserved for low-emission vehicles and will be located closer to building entrances to promote the use of clean fuel vehicles.
- G. **Police, Fire, and Emergency Medical Conditions**
- G.1 Sprinkler systems shall be installed in all buildings with more than two dwelling units.
- G.2 The Project shall comply with NFPA-13 and applicable building codes.

- G.3 Posted no parking restrictions on internal Project driveways with appropriate markings and signs shall be provided, as shown on the Final Plans.
- G.4 The Applicant has agreed to provide an emergency access roadway connecting the Property to Summer Street through an adjacent parcel sufficiently remote from the main entrance to reasonably ensure emergency access to/from the Property can be maintained. The emergency access must be constructed and useable prior to issuing the first occupancy permit.
- G.5 The Applicant has agreed to install an uninterrupted fence for the entire length of the project's developed boundary with the railroad right-of-way. Therefore, prior to the issuance of a certificate of occupancy, the Applicant shall install a continuous (uninterrupted) fence running along the entire boundary of the railroad tracks with fence endings designed to return into the developed site unless otherwise specifically precluded or as restricted from doing so in writing by the Walpole Conservation Commission or DEP as the case maybe.
- G.6 Due to the close proximity of the railroad crossing to the Project entrance driveway, prior to the issuance of a certificate of occupancy, the Applicant and the Town shall send a letter to the Massachusetts Department of Transportation ("DOT") and the Massachusetts Bay Transportation Authority ("MBTA") mutually requesting extension of the control arms on the Project side of the crossing to halfway across the adjacent travel way or provide written documentation from DOT, MBTA or other responsible agency indicating otherwise. This decision recognizes that making changes within the rail right of way is outside the purview of the Board and beyond the control of the Applicant. Therefore, if the DOT and MBTA do not reply in the affirmative within 90 days, or if the Town refuses to cooperate in sending the letter when requested by Applicant, the Applicant will have fulfilled its obligation. However, if at any time prior to the issuance of the last certificate of occupancy the DOT or MBTA does reply in the affirmative, this condition must be fulfilled. Further, the Town is to be copied on all correspondence to the DOT and MBTA.
- G.7 Storage areas for any chemicals and/or hazardous materials more than household quantities used for maintenance, cleaning or any other reason if any shall be shown on the Final Plan (location) and described in a report to the Building Inspector, Walpole Conservation Commission and Fire Department which shall be updated as needed. Said report shall contain a waste stream profile for any hazardous material generated on site during construction. Removal of hazardous materials from site to be conducted by MassDEP approved vendor.

**H. Water, Septic, Stormwater and Utilities**

- H.1 The Applicant shall be responsible for the design and installation of the utilities servicing the Project.
- H.3 Fire hydrants shall be placed as shown on the Approved Plans, subject to the final approval of the the Walpole Fire Department. . If the Walpole Fire Department approves different hydrant locations, such modification shall be accepted as an insubstantial change pursuant to 760 CMR 56.05(11).
- H.4 The service size for the domestic water service for each individual building should be verified by the Water Department and information on the fire service size and requirements should be verified by the Fire Department prior to the issuance of the building permit for the individual building in question. The Applicant shall submit information regarding the size of both the domestic and fire services as part of Final Plans, after consultation with the Water Department and the Fire Department respectively.
- H.5 All water and sanitary sewer improvements necessary to serve the Project must be shown on Final Plans including all details and supporting information required for review by the Water and Sewer Departments. The water and sanitary sewer improvements servicing individual structures are to be completed, and interim as-built plans must be submitted to and approved by the DPW Water / Sewer Department, before any certificate of occupancy for said individual structures may be issued. All operation, maintenance and repair of water and sewer infrastructure within the Project will be the sole responsibility of the Applicant and/or its successor. As-built Plans shall show layout and construction details of all proposed water and sewer infrastructure installed per town standards. A detailed hydraulic analysis shall be submitted to the Building Inspector that complies with applicable regulations.
- H.6 The Project shall meet all applicable stormwater management standards to be documented on the Final Plans and approved by the Peer Reviewer prior to issuing a building permit. Stormwater management facilities shall be constructed as shown on the Final Plans.
- H.7 The Final Plans must depict at least 20 feet separation between any building or connecting driveway or walkway and the limit of inundation during 100-year storm event of any above grade stormwater management feature and that the limit of inundation be shown on the Final Plans or supplementary figure.

- H.8 The area of infiltration systems shall be excavated to remove fill down to natural soils and shall be witnessed by an agent of the Town prior to the installing crushed stone and the underground infiltration system.
- H.9 Soil conditions below Drip Edge Systems shall be inspected by a licensed soil evaluator at the time of foundation excavation and an affidavit for the combined systems be provided by a licensed engineer confirming that as-found conditions are consistent with those used in the model or additional justification provided proving performance prior to issuance of a certificate of occupancy for any building served by a Drip Edge System.
- H.10 The Walpole Conservation Commission or DEP Conditions:
- a. The Applicant shall comply with all terms and conditions of the Order of Conditions or Superseding Order of Conditions for the Project. No work may proceed pursuant to this Comprehensive Permit until the Order of Conditions or Superseding Order of Conditions is recorded in the Norfolk Registry of Deeds.
  - b. All terms and conditions of an Order of Conditions issued for the Project are expressly incorporated as conditions to this Comprehensive Permit and shall remain enforceable conditions under the Comprehensive Permit. Should an appeal of the Order of Conditions result in a modification of the final plans and/or any condition herein, such modification will be subject to 760 CMR 56.05(11).
  - c. Any fill used in the Project shall be clean fill, and shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or part of any of the foregoing.
  - d. The proposed culvert/bridge wetland crossings shall meet Massachusetts Stream Crossing Standards unless directed otherwise by the Walpole Conservation Commission or MassDEP and those crossings shall be shown in detail on the Final Plans.

- H.11 Fertilizers and/ or pesticides by residents or the maintenance company must be appropriate for use near wetland resource areas. Any road de-icing material used by facility management must meet regulatory requirements and any Order of Conditions or Superseding Order of Conditions for use near wetland resource areas.

**I. Completion of Infrastructure:**

- I.1 As security for completion of the infrastructure shown on the Final Plans, including, but not limited to the roadways, sidewalks, parking, stormwater management system, lighting, water and sewer systems, landscaping and utilities (collectively the "Infrastructure"), the Applicant shall provide security consistent with the provisions of G. L. 41, § 81U, solely for that portion of the Project for which certificates of occupancy are requested and subject to the following:
- a. No certificate of occupancy for a dwelling unit shall be issued until: (1) the portion of the roadway shown on the Final Plans providing access to the subject building has been installed, excepting the final course of pavement; and (2) all other Infrastructure necessary to serve said building, as approved by the Board's peer review engineer or the Building Inspector has been constructed and installed so as to adequately serve said building. The final infrastructure for the Project, including, but not limited to, final course of pavement shall be installed prior to the issuance of a certificate of occupancy for the final dwelling unit. The final infrastructure shall include, but not be limited to: intermediate and final course of pavement, remaining landscaping, and any "punch list" items identified by the Board's engineer or the Building Inspector. Alternatively, if the Applicant desires to obtain such final certificate of occupancy for the final dwelling unit before the completion of said Final Infrastructure, it shall deposit such security as permitted by M.G.L. ch. 41, section 81U with the Town securing the installation and construction of such Final Infrastructure. The amount of such security and any necessary contingency shall be determined by the Board, acting reasonably and upon the advice of its consulting engineer. The form of the security agreement binding such security shall be subject to reasonable review by Town Counsel.
  - b. The Board's peer review engineer shall review the Project upon completion of all such Infrastructure as described above, and shall notify the Building Inspector that all Infrastructure is complete whereupon security shall be released to Applicant.

**J. Other General Conditions**

- J.1 In accordance with 760 CMR 56.05(12)(c), this Comprehensive Permit shall expire three (3) years from the date that the permit becomes final, unless (i) prior to that time substantial use of the Comprehensive Permit has commenced or (ii) the time period is otherwise tolled in accordance with law.
- J.2 This Decision prohibits the parking or storage of any unregistered vehicle on the Property, and likewise prohibits the service of any vehicles on the Property, except during construction.
- J.3 Trash and recycling services are not the responsibility of the Town. However, a trash and recycling management plan shall be submitted to the Board of Health for review and approval.
- J.4 Prior to the issuance of any certificates of occupancy, and prior to the execution of any purchase and sales agreement or rental agreement for a market rate unit, the Applicant shall submit, to the satisfaction of the Building Inspector, a copy of the Homeowner's Association which shall include an adequate plan for the operation and maintenance of the internal roadways. The internal roadways shall be maintained in perpetuity by the Homeowner's Association, which obligation shall be incorporated into the Homeowner's Association documents.
- J.5 The Applicant shall be responsible for sweeping, removal of snow, and sanding of the internal roadways permitting safe access to residents and emergency vehicles during construction and until the Homeowner's Association has been legally established and have assumed said responsibilities.
- J.6 The landscaping shall be maintained in perpetuity by the Homeowner's Association, which obligation shall be incorporated in the Association documents, as applicable, and the declaration of restrictive covenants, if any, to be executed by the Applicant. Dead or diseased plantings shall be replaced within six (6) months in accordance with growing and weather conditions.

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- J.7 If any default, violation or breach of these conditions by the Applicant is not cured within thirty (30) days after notice thereof (or such longer period of time as is reasonably necessary to cure such a default so long as the Applicant is diligently and continuously prosecuting such a cure), then the Town may take one or more of the following steps: (a) by mandamus or other suit, action or other proceeding at law or in equity, require the Applicant to perform its obligations under these conditions; or (b) take such other action at law or in equity as may appear necessary or desirable to enforce these conditions. If the Town brings any claim to enforce these conditions, and the Town finally prevails in such claim, the Applicant shall reimburse the Town for its reasonable attorneys' fees and expenses incurred in connection with such claim.

**K. Off-Site Traffic Mitigation**

- K.1 Prior to the issuance of the first occupancy permit, the Applicant shall deposit \$500,000.00 in an account pursuant to G.L. c. 44, § 53G1/2 for Off-Site Roadway Mitigation to be expended by the Town of Walpole Road Commissioners.

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### **DECISION**

In consideration of all of the foregoing, including the plans, documents and testimony given during the public hearing, the Board hereby grants the Applicant a comprehensive permit for the construction of 268 housing units pursuant to Chapter 40B, §§ 20-23, for the development described above.

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#### **RECORD OF VOTE**

On April 14, 2021, the Board, on a motion made by Suzanne Murphy, seconded by Jane Coffey, voted 5-0-0 (John Lee, Suzanne Murphy, Robert Fitzgerald, Mary Jane Coffey, and Drew Delaney) to approve the **Comprehensive Permit** application of 55 SS LLC or its nominee to allow for the proposed Development at 51, 53 & 55 Summer Street, consisting of a total of 236 housing units pursuant to Chapter 40B, §§ 20-23.

The Board has complied with all statutory requirements for the issuance of this Comprehensive Permit. A copy of this decision will be filed with the Town Clerk. Copies of this decision have been, or will be mailed, to all parties, persons or boards as required by M.G.L. c. 40B.

On April 14, 2021, the Board voted to authorize Robert Fitzgerald to sign this decision on behalf of the Board.

On July 14, 2021, the Board, voted 4-0 to approve the **Revised Comprehensive Permit** of 55 SS LLC or its nominee to allow for the proposed Development at 51, 53 & 55 Summer Street, consisting of a total of 268 housing units pursuant to Chapter 40B, §§ 20-23.

**The grant of this comprehensive permit hereunder is dependent upon compliance with all of the conditions set forth above and upon the following additional terms and conditions.**

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**Exhibit "A" – Waivers**

Pursuant to the Waiver List revised and submitted to the Board, the Applicant has requested, and the Board has granted, certain waivers from the Walpole Zoning Bylaws and other local by-laws and regulations as specified in the attached Exhibit A. No waivers are granted from requirements that are beyond the purview of G. L. c. 40B, §§20-23, and no waivers have been granted other than those set forth in Exhibit A. No waiver of permits or inspections fees are granted.

On April 14, 2021, the Board, on a motion made by Suzanne Murphy, seconded by Jane Coffey, voted 5-0-0 (John Lee. Suzanne Murphy, Robert Fitzgerald, Mary Jane Coffey, and Drew Delaney) to approve certain attached **Waivers** for the proposed Development at 51, 53 & 55 Summer Street, consisting of a total of 236 housing units pursuant to Chapter 40B, §§ 20-23.

On July 14, 2021, the Board, on a motion made by Suzanne Murphy, seconded by Jane Coffey, voted 5-0-0 (John Lee. Suzanne Murphy, Robert Fitzgerald, Mary Jane Coffey, and Drew Delaney) to approve certain attached **Waivers** (revised) for the proposed Development at 51, 53 & 55 Summer Street, consisting of a total of 268 housing units pursuant to Chapter 40B, §§ 20-23.

# RENTAL

SECTION	DESCRIPTION	WAIVER	DISPOSITION
Comprehensive Permit Rules and Regulations Section 3.2.15	Statement of Impact on Municipal Facilities and Services	The applicant has made projections of both estimated future tax revenue and the estimated number of schoolchildren in previous informational presentations to town officials and residents. This information will be presented to the ZBA during the hearing process. However, a requirement to make a statement regarding the Project's impact on Municipal Facilities is not required under the 40B statute or regulations. Therefore, the applicant is requesting a waiver from any additional requirement of section 3.2.15 of the Town's ZBA rules and Regulations.	Approved.
Section 3.2.16	Compliance with Master and Open Space plans	The increase in number of affordable housing units and the increase in housing choice for a variety of demographics answers needs identified in both the Master Plan and the Housing Production Plan. Additionally, the Applicant believes the Project design along with the existing trail that will remain along Cedar Brook answers desires identified in the Draft Open Space Plan. Determining whether the Project	Approved.

SECTION	DESCRIPTION	WAIVER	DISPOSITION
		complies with all or any of the Town's written plans is not required under the 40B Statute or Regulations. Therefore, the applicant is requesting a waiver from any further requirements of section 3.2.16 of the Town's ZBA rules and Regulations.	
Section 3.2.17	Roster of Development team and list of prior developments for past 10 years	The information provided adequately demonstrates the relevant experience of the applicant and development team. Therefore, a waiver of 3.2.17 is requested with respect to providing a list of all prior residential and commercial development projects for all members of the development team over the last ten (10) years is requested.	Approved.
Section 3.2.18	Twenty (20) paper copies of said application with attachments and exhibits	Waiver requested as per conversation with Director of Community Planning 12/13/19, the following will be provided either with application or when appropriate. 15 full size plan sets 5 11x17 plan sets	Approved.

SECTION	DESCRIPTION	WAIVER	DISPOSITION
		1 each traffic, stormwater. 10 executive summary sections from the traffic, stormwater. Everything electronically either by thumb drive or drop box.	
Section 3.2.19	Payment of Filing Fee. 1. for limited dividend organizations: \$5000 base fee plus, if the total project contains more than 6 market rate units, \$200.00 per market rate proposed.	Request waiver to calculate fee based on Planning Board Site Plan Approval fee which requires similar information and review and would result in a fee of \$23,508 rather than the \$50,000 fee defined in 11/20 ZBA Rules and Regulations. Specifically this is a request to waive \$26,492 of the application fee. The fee and waiver request apply to lots 1 and 2 combined.	Denied.
Section 3.2.5.4	Said plan shall include the following information: Existing significant environmental features such as ledge outcrops, scenic views and large trees (i.e. greater than 24" dbh).	Due to the significant number of trees on this 55 acre site, an inventory of all ledge, large trees and scenic views would require significant resources to gather with no significant benefit. Waiver requested to exclude these on the preliminary site development plan.	Approved.
Section 5.5	Any professional expert or other	Waiver sought for requirement to have all	Approved.

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SECTION	DESCRIPTION	WAIVER	DISPOSITION
	witness that participated in the drafting or the proposed Project plans or other elements shall be present at each public hearing session.	participants in drafting application at all meetings. Applicant will manage attendance of professionals as needed in consultation with ZBA during the hearing process.	
Section 5.6	Board may in its discretion collect appropriate fees for notary public or stenographer.	Waiver requested to the fee for notary or stenographer which are not allowed under the GL c 44, s.53G. ZBA meetings are currently video recorded as well.	Approved.
<b>Town of Walpole Zoning Bylaw</b>			
Table 5-B.1: 3. Residential: d	Residential Use prohibited in Limited Manufacturing zone.	A waiver is requested to permit development of dwellings for occupancy by more than three families within a Limited Manufacturing Zone.	Approved.
Table 5-B.1 3. Residential: d iii	If there is more than one principle building on a lot, there shall be a minimum of 10,000 SF of lot area per dwelling unit.	Waiver to allow for less than 10,000 SF of land per dwelling unit.	Approved.
Section 6-B-1	In all districts no building shall be constructed on any part of a lot which does not have an area in	Request Waiver to construct the Project as shown on the plans with reference to Section 6-B-1.	Approved.

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SECTION	DESCRIPTION	WAIVER	DISPOSITION
	which a circle, the diameter of which is not less than 80% of the minimum required lot frontage, tangent to the exterior street line from which the required frontage and minimum setback are derived and within all other lot lines, may be located.		
Section 6-B-1.A	In all districts no building shall be constructed on a lot having less than the required lot frontage.	Request Waiver to allow frontage of no less than 86 feet.	Approved.
Section 6-B-1.C	In all districts no building shall be constructed so as to be nearer to the side lines of its lot than the required side yard width.	Side yard setback requirement is 40. Request waiver to allow side yard setback as shown on the attached setback plan dated 3/1/21.	Approved.
Table 6-B.1 and 6-C.3.A	Required Lot Frontage for a lot in the Limited Manufacturing zoning.	Lot frontage required in LM zoning is 200 feet. Request waiver to allow creation of a lot with no less than 86 feet.	Approved.
Table 6-B.1.	Required Minimum Side Yard Setback for a lot in the Limited Manufacturing zoning	Side yard setback requirement is 40. Request waiver to allow side yard setback as shown on the attached setback plan	Approved.

SECTION	DESCRIPTION	WAIVER	DISPOSITION
6-C.4.B.	Number of Buildings per lot. Commercial/Mixed-Use - Provided they are in compliance with all dimensional regulations listed in Section 6-C, more than one (1) building may be constructed and located on each lot in all commercial zones.	3/1/21. A waiver is requested as there will be more than one building per lot and there are dimensional waivers required.	Approved.
Table 6-B.1	Required Maximum Building Height for a lot in the Limited Manufacturing zoning.	The applicant's position is that the applicants' plan meets the zoning requirement and no waiver is required as the Building Commissioner has provided a written opinion for the record stating that footnote 10 applies to this project. As shown by Applicant's Engineer the applicable setbacks for height computation are 104' and 96' allowing for building heights of 104' and 96' respectively by right in the LM zone. However, to the extent that a waiver is required, a waiver is requested to allow for a maximum height of 70+/-feet.	Approved to allow for a maximum of five (5) stories.

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SECTION	DESCRIPTION	WAIVER	DISPOSITION
Section 6-C-11	Projections (roof, eave, chimney or cornice) - no more than 18 inches into setbacks. Uncovered/Unenclosed (porches, decks, platforms, landings or stoops) which are part of egress shall not encroach more than 48 inches into setbacks. Uncovered steps that are part of any required egress shall not come within five (5) feet of any lot line.	Request Waiver to construct the Project as shown on the plans however with no portion of any building being closer to the adjacent lot line than the setbacks shown on the attached setback plan dated 3/1/21. Units 40-52 and unit 6, the mail pickup and drop-off building as well as the maintenance building fall under this waiver.	Approved.
Section 8.3.1	Townhomes & Apartments are classified as Parking Code 1 per table 6-B.1. Required parking spaces: 2 per unit.	Request waiver to allow a parking ratio of 1.88 parking spaces per rental unit.	Approved.
Section 8.8.A.1	Table of Parking space and Aisle Dimensions.	Request a waiver to allow 9'x19' parking spaces with a 24' Aisle vs. 10'x18.5'	Approved.
Section 8.8.B-3	Parking Aisles: the ends of parking aisles that are more than 15 spaces in length shall incorporate landscape islands at either end of the row. Where the	Request Waiver to construct the Project as shown on the plans. Compliance with the requirement would eliminate parking spaces that are required to serve future residents. Based on requirements, 13	Approved.

SECTION	DESCRIPTION	WAIVER	DISPOSITION
	length of a parking aisle exceeds 25 spaces, additional landscaped islands shall be installed at regular intervals. This interval shall not be more than every 13 spaces. The width of landscaped islands perpendicular to adjacent spaces shall be no less than 8 feet at their widest point.	additional landscaped islands would be required if not waived.	
Table 8.3.1	2 spaces for each unit	To permit the rental project to have a minimum of 1.88 parking spaces per dwelling unit.	Approved.
Section 12.3.A.2.d	Residential development of single family dwellings are permitted by right if no more than 15% or 2,500 S.F., whichever is greater, of the building lot is rendered impervious.	Proposed Impervious: 25%  Request a Waiver as impervious coverage is addressed under Section 12.3.C.5	Approved.
Section 12.3.C.3	In areas 3 & 4, any uses in WRPOD other than a single-family dwelling with a sewage flow exceeding 110 GPD per 10,000 S.F. of lot area or	The Building Commissioner in his capacity as the zoning authority has ruled a "not applicable". However, to the extent a waiver from the special permit requirements is required, a waiver is	Approved.

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SECTION	DESCRIPTION	WAIVER	DISPOSITION
	exceeding 15,000 GPD total requires a special permit.	requested.	
Section 12.3.C.5	Any residential use in WRPOD that will render impervious more than 15% or 2,500 S.F. of any lot requires a special permit.	Waiver from special permit requirement to allow for 25%.	Approved.
Section 13	Site Plan Review.	Request waiver.	Approved.
<b>Wetlands By-Law and Regulations</b>			
Section 561, Division 2 of the General Bylaw	Section 561, Division 2 of the General Bylaw would require a local permit be issued by the conservation commission.	A waiver is requested from Section 561 Division 2 of the General Bylaw as the project is to be permitted under the Wetlands Protection Act and not the local Wetlands Bylaw.	Approved.
Section 449 of the Walpole General Bylaws -Article XXIX STORMWATER MANAGEMENT AND EROSION CONTROL BYLAW	Article XXIX STORMWATER MANAGEMENT AND EROSION CONTROL BYLAW would require local permits	A waiver is requested from Article XXIX STORMWATER MANAGEMENT AND EROSION CONTROL BYLAW as the project is to be permitted under the Mass stormwater regulations.	Approved.

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SECTION	DESCRIPTION	WAIVER	DISPOSITION
1.4.1	No Alteration Zone: The Commission shall require the Applicant to maintain a 25 foot wide contiguous, undisturbed, vegetative buffer measured from, and parallel to, the wetland resource boundary, as a minimum.	Waiver requested work in the 25 foot buffer only in the area of the crossing and the replication areas as shown on the plans as well as in the area of the one way section of driveway D.	Approved.
1.5.2	Replication requirements	Request Waiver to allow applicant to provide reporting over two, post-construction growing seasons based on two inspections/reports per growing season in a format based upon DEP Replication Guidelines, Appendix 4, or mutually agreed upon equivalent format.	Approved.
2.3	Plans and Supporting documents	Waiver is requested from section 2.3 in its entirety.	Approved.
<b>Water and Sewer Department</b>			
Water Entrance Fee	System development charge of \$2,440 per residential housing unit.	Waiver requested to eliminate Water Entrance fee for 61 affordable units.	Denied.
Non-Assessed Sewer Entrance Fee --	System development charge of \$1,670 per residential housing unit.	Waiver requested to eliminate Non-Assessed Sewer Entrance Fee for 61	Denied.

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SECTION	DESCRIPTION	WAIVER	DISPOSITION
Residential		affordable units.	
<b>Building Department</b>			
Building permit fees (Including Building, Electrical, Plumbing and Gas fees)	\$18.00 per \$1,000.00 of estimated cost of construction or fraction thereof.	A waiver is requested to eliminate building permit fees for 61 affordable units.	Denied.
<b>Global Waiver</b>			
The Applicant also requests any and all other waivers necessary to construct the plans as approved and to the extent any bylaw is waived, all of the regulations springing from the waived bylaw are also waived.			Denied.

## OWNERSHIP

SECTION	DESCRIPTION	WAIVER	NOTES
<b>Comprehensive Permit Rules and Regulations</b>			
Section 3.2.15	Statement of Impact on Municipal Facilities and Services	The applicant has made projections of both estimated future tax revenue and the estimated number of school children in previous informational presentations to town officials and residents. This information will be presented to the ZBA during the hearing process. However, a	Approved.

SECTION	DESCRIPTION	WAIVER	NOTES
		<p>requirement to make a statement regarding the Project's impact on Municipal Facilities is not required under the 40B statute or regulations. Therefore, the applicant is requesting a waiver from any additional requirement of section 3.2.15 of the Town's ZBA rules and Regulations.</p>	
Section 3.2.16	Compliance with Master and Open space plans	<p>The increase in number of affordable housing units and the increase in housing choice for a variety of demographics answers needs identified in both the Master Plan and the Housing Production Plan. Additionally, the Applicant believes the Project design along with the existing trail that will remain along Cedar Brook answers desires identified in the Draft Open Space Plan.</p> <p>Determining whether the Project complies with all or any of the Town's written plans is not required under the 40B Statute or Regulations. Therefore, the applicant is requesting a waiver from any further requirements of section</p>	Approved.

SECTION	DESCRIPTION	WAIVER	NOTES
Section 3.2.17	Roster of Development team and list of prior developments for past 10 years.	3.2.16 of the Town's ZBA rules and Regulations.  The information provided adequately demonstrates the relevant experience of the applicant and development team. Therefore, a waiver of 3.2.17 is requested with respect to providing a list of all prior residential and commercial development projects for all the members of the development team over the last ten (10) years is requested.	Approved.
Section 3.2.18	Twenty (20) paper copies of said application with attachments and exhibits.	Waiver requested as per conversation with Director of Community Planning 12/13/19, the following will be provided either with application or when appropriate 15 full size plan sets 5 11x17 plan sets 1 each traffic, stormwater. 10 executive summary sections from the traffic, stormwater. Everything electronically either by thumb drive or drop box	Approved.

SECTION	DESCRIPTION	WAIVER	NOTES
Section 3.2.19	Payment of Filing Fee. 1. for limited dividend organizations: \$5000 base fee plus, if the total project contains more than 6 market rate units, \$200.00 per market rate is proposed.	Request waiver to calculate fee based on Planning Board Site Plan Approval fee which requires similar information and review and would result in a fee of \$23,508 rather than the \$50,000 fee defined in 11/20 ZBA Rules and Regulations. Specifically this is a request to waive \$26,492 of the application fee. The fee and waiver request apply to lots 1 and 2 combined.	Denied.
Section 3.2.5.4	Said plan shall include the following information: Existing significant environmental features such as ledge outcrops, scenic views and large trees (i.e. greater than 24" dbh).	Due to the significant number of trees on this 55 acre site, an inventory of all ledge, large trees and scenic views would require significant resources to gather with no significant benefit. Waiver requested to exclude these on the preliminary site development plan.	Approved.
Section 5.5	Any professional expert or other witness that participated in the drafting or the proposed Project plans or other elements shall be present at each public hearing	Waiver sought for requirement to have all participants in drafting application at all meetings. Applicant will manage attendance of professionals as needed in consultation with ZBA during the	Approved.

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SECTION	DESCRIPTION	WAIVER	NOTES
	session.	hearing process.	
Section 5.6	Board may in its discretion collect appropriate fees for notary public or stenographer.	Waiver requested to the fee for notary or stenographer which are not allowed under the GLc44,s.53G. ZBA meetings are currently video recorded as well.	Approved.
Town of Walpole Zoning Bylaw			
Table 5-B.1; 3. Residential: a.	Residential Use prohibited in Limited Manufacturing zone.	A waiver is requested to permit development of single family and duplex homes within a Limited Manufacturing Zone.	Approved.
Section 6-B-1	In all districts no building shall be constructed on any part of a lot which does not have an area in which a circle, the diameter of which is not less than 80% of the minimum required lot frontage, tangent to the exterior street line from which the required frontage and minimum setback are derived and within all other lot lines, may be located.	Request Waiver to construct the Project as shown on the plans with reference to Section 6-B-1.	Approved.

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SECTION	DESCRIPTION	WAIVER	NOTES
Section 6-B-1.A	In all districts no building shall be constructed on a lot having less than the required lot frontage.	Request Waiver to allow frontage of no less than 133 feet.	Approved.
Section 6-B-1.C	In all districts no building shall be constructed so as to be nearer to the side lines of its lot than the required side yard width.	Side yard setback requirement is 40. Request waiver to allow side yard setback as shown on the attached setback plan dated 3/1/21.	Approved.
Table 6-B.1:	Required Lot Frontage for a lot in the Limited Manufacturing zoning.	Lot frontage required in LM zoning is 200 feet. Request waiver to allow creation of a lot with no less than 133 feet.	Approved.
Table 6-B.1	Required Minimum Side Yard Setback for a lot in the Limited Manufacturing zoning.	Minimum side yard set back in LM zoning is 40 feet. Request waiver to allow setback as shown on the attached setback plan dated 3/1/21.	Approved.
Table 6-B.1	Required Minimum Front Yard Setback for a lot in the Limited Manufacturing zoning.	Minimum front yard set back in LM zoning is 50 feet. Request waiver to allow setback of no less than 36 feet.	Approved.
6-C.4.B.	Number of Buildings per lot. Commercial/Mixed-Use -	A waiver is requested as there will be more than one building per lot and there	Approved.

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SECTION	DESCRIPTION	WAIVER	NOTES
	Provided they are in compliance with all dimensional regulations listed in Section 6-C, more than one (1) building may be constructed and located on each lot in all commercial zones.	are dimensional waivers required.	
Section 6-C-11	Projections (roof, eave, chimney or cornice) - no more than 18 inches into setbacks. Uncovered/Unenclosed (porches, decks, platforms, landings or stoops) which are part of egress shall not encroach more than 48 inches into setbacks. Uncovered steps that are part of any required egress shall not come within five (5) feet of any lot line.	Request Waiver to construct the Project as shown on the plans, however with no portion of any building being closer to the adjacent lot line than the setbacks shown on the attached setback plan 3/1/21. Units 1,2,5, 41-54, and 7-15 would fall under this waiver.	Approved.
6.C.8.D	Fence will not have height of more than 6 feet.	Request waiver to allow for 8-foot fence as show on the plans to accommodate abutters.	Approved.
Section 8.8.A.1	Table of Parking space and Aisle Dimensions.	Request a waiver to allow 9'x19' parking spaces with a 24' Aisle vs. 10'x18.5'	Approved.

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SECTION	DESCRIPTION	WAIVER	NOTES
Section 12.3.A.2.d	Residential development of single family dwellings are permitted by right if no more than 15% or 2,500 S.F., whichever is greater, of the building lot is rendered impervious.	Proposed Impervious: 20% Request a Waiver as impervious coverage is addressed under Section 12.3.C.5.	Approved.
Section 12.3.C.3	In areas 3 & 4, any uses in WRPOD other than a single-family dwelling with a sewage flow exceeding 110 GPD per 10,000 S.F. of lot area or exceeding 15,000 GPD total requires a special permit.	The Building Commissioner in his capacity as the Zoning has ruled as not applicable. However, to the extent a waiver from the special permit requirements is required, a waiver is requested.	Approved.
Section 12.3.C.5	Any residential use in WRPOD that will render impervious more than 15% or 2,500 S.F. of any lot requires a special permit.	Waiver from special permit requirement for 20% impervious.	Approved.
Section 13	Site Plan Review.	Request waiver	Approved.
Signs Section 7.6.C.4	Sign shall be a minimum of eight (8) feet from ground level.	Request waiver to allow for sign to be less than 8 feet from the ground as the	Approved.

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SECTION	DESCRIPTION	WAIVER	NOTES
<b>Wetlands By-Law and Regulations</b>			
Section 561, Division 2 of the General Bylaw	Section 561, Division 2 of the General Bylaw would require a local permit be issued by the conservation commission.	top of the monument sign is approximately 7'6". The top of the rental sign is approximately 8 feet.	Approved.
Section 449 of the Walpole General Bylaws -Article XXIX STORMWATER MANAGEMENT AND EROSION CONTROL BYLAW	Article XXIX STORMWATER MANAGEMENT AND EROSION CONTROL BYLAW would require local permits	A waiver is requested from Article XXIX STORMWATER MANAGEMENT AND EROSION CONTROL BYLAW as the project is to be permitted under the Mass stormwater regulations.	Approved.
1.4.1	No Alteration Zone: The Commission shall require the Applicant to maintain a 25 foot wide contiguous, undisturbed, vegetative buffer measured from,	Waiver requested work in the 25 foot buffer only in the area of the crossing and the replication areas as shown on the plans as well as in the area of the one way section of driveway D.	Approved.

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SECTION	DESCRIPTION	WAIVER	NOTES
	and parallel to, the wetland resource boundary, as a minimum.		
1.5.2	Replication requirements	Request Waiver to allow applicant to provide reporting over two, post-construction growing seasons based on two inspections/reports per growing season in a format based upon DEP Replication Guidelines, Appendix 4, or mutually agreed upon equivalent format.	Approved.
2.30	Plans and Supporting documents	Waiver is requested from section 2.3 in its entirety.	Approved.
<b>Water and Sewer Department</b>			
Water Entrance Fee	System development charge of \$2,440 per residential housing unit.	requested to eliminate Water Entrance fee for 14 affordable units.	Denied.
Non-Assessed Sewer Entrance Fee - Residential	System development charge of \$1,670 per residential housing unit.	Waiver requested to eliminate Non-Assessed Sewer Entrance Fee for 14 affordable units.	Denied.
<b>Building Department</b>			
Building permit fees	\$18.00 per \$1,000.00 of estimated	A waiver is requested to eliminate	Denied.

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SECTION	DESCRIPTION	WAIVER	NOTES
(Including Building, Electrical, Plumbing and Gas fees)	cost of construction or fraction thereof.	building permit fees for 61 affordable units.	
<b>Global Waiver</b>			
The Applicant also requests any and all other waivers necessary to construct the plans as approved and to the extent any bylaw is waived, all of the regulations springing from the waived bylaw are also waived.			Denied.

