

To : ZBA

From: Jack Conroy Abutter 34-36 Burns

Re: 48 Burns 40B Remand

Date: March 16,2022

Issues

1. Per Mass Housing approval and the filing of the permit Wall St was granted only 36 units. The present plan shows 38 units. This is not allowed and should be denied just on this basis.
2. The application was filed by Wall Street on 2/11/18. The Decision date filed is the actual legal clock starting for any Decision and it was 2/21/18. This is 10 days short of the one-year requirement of MASS Housing on any non- 40B project that was denied. Wall Street lied on the application by inserting the Hearing date of 2/7/18. This Board made a decision on there own to allow it to go through as it was "only a couple of days". The ZBA is not empowered nor does the MASS Housing Rules have any rules to wave such strict compliance with the rules. I might add the ZBA & Wall Street ended up in a snit over filing times with Wall Street this past year. I ask that the Board contact MASS Housing for their Official response on falsehood.
3. Wall Street has filed a lawsuit against both the Campbells and myself maintaining rightful ownership to the allowed use of Burns Ave, which is privately held at the 440' mark to the end. I remind the Board that I ask that a final court decry on the settling of the lawsuit be made part of a Decision.
4. The current S&W comments on line are dated 12/20/20. Current comments of this new plan are a must.
5. The current Con – Com comments on line are dated 12/11/20. Current comments of this new plan are a must.
6. The current Board of Health comments on line are dated 12/9/20. Current comments of this new plan are a must.
7. The current plan has not been approved by Con-Com, which due to wetlands issues throughout could change this dramatically.

Plan Review

1. Sheet 2/12 shows existing conditions that does not exist. The Remand should not be allowed due to changing these conditions. The question that needs to be asked is " did Wall Street tell the Appeal Authority of the changed conditions?"
2. The driveway itself is shown like a public road cutting from Burns to Brook, but it is private and that brings many issues up.
3. The plan showing the Fire Truck access through is all well and good and Deputy Chief Barry asked for No Parking signs on the drive. These issues compound themselves as, there is no visitor parking, the drive width is only 22', the condo's show 1 garage & 1 driveway. This lack of parking will mean that residents or visitors will park on the street. In the Winter is will be worse with a narrower street. Fire trucks will be severely hampered if not blocked because of this. Enforcement of the No Parking and or Towing by the Town is not allowed as it is private.

4. Due to posting No Parking signs, the residents will be spilling over onto Burns & Brook Lane to park. With or without Posting No Parking signs on Brook & Burns will have a huge negative on the abutting residents on Brook & Burns and this should not happen.
5. The Condo drives are conveniently not dimensioned. Based on my computer aided drawing, the drives are only 22' from house to street and the average SUV or pickup is 19'6" leaving only 2'-6" to be split between drive & condo.
6. This Driveway as shown is a safety hazard for all those accessing it as there are NO SIDEWALKS, which will force the 38 Condo owners to walk on the street. This is a big no-no. All Site Plans that have appeared in front of Town Boards all have sidewalks. The list includes: Pulte -East St, Royal Crest -Washington, The Downtown Apartments at both Train Station & old Fales Machine, the approved Bristol Brothers AQV off Renmar and so on. My thought on why no sidewalks as it not only costs money but also would change the Wetland coverage issue.
7. Since the plan is showing access through a private street Burns Ave from the 440' mark in, it is a disservice to the Campbells & myself to allow this road not to be made public and bring it up to Town standards. We abutters should not carry the cost burden of maintaining the private road we own, while Wall Street contributes no money but gains the benefit. I would ask a provision be put in the Decision that, when and if the Lawsuit is settled to Wall Streets favor, then Wall Street must petition the Town to bring this road up to current road requirements and bring it forth to Town Meeting for final acceptance. There is a provision in MGL that allows a party on a private road to petition the Town to bring the road up to acceptance, whether the other parties agree, but with the requirement in the law that the petitioner pays all costs. Approving the minimal amount of work shown on Burns is beyond the ZBA / 40B rules. By inserting this in it will cover your decision. We should not be hurt financially. Because this is a private road and Wall Street wants to use it, this should not be part of that 40B item of being not financially doable.
8. In the event that a clause in the Decision does not require Wall Street to bring the road to a Public acceptance, then it will force me to petition or even sue the Town to bring this road up to a Public acceptance. To put 38 condo's on the Campbell's and my portion of the road is a huge financial burden that cannot be legally done.
9. The entire access at Brook is beyond the Scope the ZBA is allowed to approve. This is a Town road. The questions here are many; who gets the cul de sac the Brook Lane houses? The BOS would have to declare this land surplus and put out to bid!
10. Based upon reviewing the access from Wall St. to Brook, it is evident that they cannot access Brook Lane in a normal 90 degree or more angle as Fire Trucks cannot make the swing.
11. If it stays town owned who constructs the driveways & who owns,
12. if it does go private shouldn't the 2 residents be on the application/
13. If it does private then it appears both houses will lack the proper frontage & be in zoning violations
14. The proposed new portion of Brook is not up to a Town Road as required.
15. This road doesn't show sidewalks either
16. Who brings this forth to Town Meeting re-accept the street with the changes?
17. There is a total, total lack of information by Wall Street on this entire issue, deny it on this basis.
18. Where is the Snow Storage?

19. Where is the Condo plow driver going to push the snow... right out onto Brook & Burns?
20. How is the town going to plow with no place to put the snow nor turn around?
21. What guarantee will there be that the drive is plowed & salted enough for Emergency vehicles to pass through
22. Moving a Town Hydrant, the only one on Brook to Wall streets land is not an acceptable practice. The Condo will be responsible to maintain leaving Brook un-covered, but the Condo has other hydrants.
23. There is nothing on the plan showing a new water line up Brook per S& W's last comment.
24. The plan does not show both houses being removed, a potential issue down the road for enforcement. A time table for removal is a must
25. There are no details during construction shown such a temp. Fences, wheel wash stations, office & construction trailers, temp. construction signage, street sweeping etc. the work during construction is what gets overlooked as everyone focus on the final look, but causes the neighbors the most problems.
26. This plan as drawn, is what is referred to as a sketch plan, in that it is getting closer to a final plan but lacks very specific details, dimensions etc. If this plan is approved it will lead issues down the road of interpretation. For example, the plan does not dimension nor give a description of what the condo driveways are made. Another example is on the Restoration / Planting sheet that along my property it calls for screening/fence or plants. What defines this? Based on all of our dealings with Mr. Petrozi, this will be a fight. Based upon this Developer's history, every little detail, dimension etc. must be spelled out.

①

36 UNITS ONLY

Dean E. Harrison
59 Lockwood Avenue
Attleboro, MA, 02703
(508) 813-1388

June 27, 2018

Michael Busby
40B Specialist
Masshousing
One Beacon Street, 5th Floor,
Boston, MA 02108

RE: Comprehensive Site Approval Application
Residences at Burns Avenue
Burns Avenue, Walpole, MA

Dear Mr. Busby:

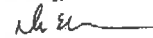
Wall Street Development Corp. is pleased to submit to Masshousing our application for a Comprehensive Permit Site Approval.

The property is identified as Assessors Map 20, Parcel 119, 136 and 137 containing approximately 3.22 +/- acres and is serviced by municipal water and sewer. We are proposing 36 homeownership of which 9 will be affordable for families at/or below 80% of AMI.

The Sponsor met with the Town on April 17, 2018. The Sponsor discussed the development and the 40B process with the Town regarding the development and submission of an application.

We are hopeful that the Masshousing will look favorable upon the application and approve our request for Site Approval. Feel free to contact me if you have any questions. Thank you for your attention to this matter. We look forward to hearing from you soon.

Sincerely,



Dean E. Harrison
Consultant

cc: Mark Gallivan, Chairman, Board of Selectman, Town of Walpole
Chrystal Komegay, Undersecretary, DECD.
Lou Petroszi, President, Wall Street Development Corp

HEARING WAS 2/7/18
 DECISION WAS 2/21/18
 APPLICATION SUBMITTED 2/11/19

(2)

An application for special permit was submitted by Wall Street Development Corp. ("Wall Street") on December 19, 2016. The purpose of application for special permit was to seek approval to develop 14 detached single family homes on 3.22 acres. The application was denied on February 7, 2018. Louis Petrozzi is the President of Wall Street Development Corp.

To the best of your knowledge, has this site ever been rejected for project eligibility/site approval by another subsidizing agency or authority? No

Existing Utilities and Infrastructure	Yes/No	Description
Wastewater - private wastewater treatment	no	
Wastewater - public sewer	yes	Municipal sewer available
Storm Sewer	yes	On-site stormwater basin
Water - public water	yes	Municipal water available
Water - private well	no	
Natural Gas	yes	Natural gas available at the site
Electricity	yes	Electric service available at the site
Roadway Access to Site	yes	Access is via Burns Avenue from Pleasant Street
Sidewalk Access to Site	yes	Existing sidewalk on Burns Avenue
Other		

Describe surrounding land use(s):

Residential mix of single family, two-family and multi-family homes and condominiums.

Surrounding Land Use/Amenities	Distance from Site	Available by Public Transportation?
Shopping Facilities	1.0 Miles	
Schools	3.0	yes
Government Offices	4.3	yes
Multi-Family Housing		
Public Safety Facilities	4.3	yes
Office/Industrial Uses		
Conservation Land	.1	
Recreational Facilities	4.3	yes
Houses of Worship	.4	yes
Other		

DECISION – WALPOLE BOARD OF APPEALS CASE NO. 23-16

RECEIVED
18 FEB 21 AM 9:55
TOWN OF WALPOLE
TOWN CLERK

2

APPLICANT

Wall Street Development Co.

LOCATION OF PROPERTY INVOLVED:

**48 Burns Avenue/ End of Burns Avenue
Assessors Map/Lot: 20-119, 20-136, 20-137**

APPLICATION:

A Special Permit under Section 6-C.4.A. of the Zoning Bylaw to allow fourteen (14) detached, single family condominium homes on a single lot, located at 48 Burns Avenue/ End of Burns Avenue, East Walpole, MA 02032, Zoning District General Residence (GR).

On January 24, 2018, the Public Hearing relative to Case No. 23-16 was closed.

On February 7, 2018 a Public Hearing was held in the Main Meeting Room of Town Hall for the purpose of deliberating and voting upon a decision as to granting of the Special Permit requested. The members who were present and voting:

Matthew Zuker, Chairman
Craig Hiltz, Vice Chairman
Robert Fitzgerald, Clerk
Susanne Murphy, Member
Mary Jane Coffey, Member

A True Copy Attest



Town Clerk

DATE 8/21/18
I HEREBY CERTIFY THAT THE 20
DAY APPEAL PERIOD HAS
ELAPSED AND THAT NO APPEAL
HAS BEEN FILED.

VOTE OF THE BOARD:

A motion was made by Ms. Murphy and seconded by Ms. Coffey to deny the Special Permit under Section 6-C.4.A. of the Zoning Bylaw to allow fourteen (14) detached, single family condominium homes on a single lot, located at 48 Burns Avenue/ End of Burns Avenue, East Walpole, MA 02032.

The vote was 5-0-0 in favor of the motion to deny the Special Permit (Zuker, Hiltz, Murphy, Coffey, Fitzgerald voting); therefore, the Special Permit under Section 6-C.4.A. is hereby denied.

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DECISION - BOARD OF APPEAL CASE NO. 22-17

APPLICANT

Wall Street Development Corp.

RECEIVED
18 FEB 21 AM 9:55
TOWN OF WALPOLE
TOWN CLERK

LOCATION OF PROPERTY INVOLVED:

Off Union Street

Walpole Assessors Map 20, Parcel 119

Zoning District: GR

DATE 2/16/18

I HEREBY CERTIFY THAT THE 20 DAY APPEAL PERIOD HAS ELAPSED AND THAT NO APPEAL HAS BEEN FILED.

APPLICATION:

A Special Permit under Section 11.B. of the Zoning Bylaws to allow the installation of underground utilities, including sewer, water, and electric through a portion of a flood plain located off of Union Street, East Walpole, MA 02032.

On January 24, 2018, the Public Hearing relative to Case No. 22-17 was closed.

On February 7, 2018 a Public meeting was held in the Main Meeting Room of Town Hall for the purpose of rendering a Decision as to granting of the Special Permit requested. The following members were eligible to participate in the voting process on February 7, 2018:

- Matthew Zuker, Chairman
- Craig Hiltz, Vice Chairman
- Robert Fitzgerald, Clerk
- Susanne Murphy, Member
- Mary Jane Coffey, Member

VOTE OF THE BOARD:

A motion was made by Ms. Murphy and seconded by Ms. Coffey to deny the application for a Special Permit under Section 11-B. of the Zoning Bylaws that would allow the installation of underground utilities, including sewer, water, and electric, through a portion of a flood plain located off of Union Street, East Walpole, MA 02032.

The vote was 5-0-0 in favor of the motion to deny the Special Permit (Zuker, Hiltz, Murphy, Coffey, Fitzgerald voting); therefore, the Special Permit under Section 11.B. is hereby denied.

COMMONWEALTH OF MASSACHUSETTS

3

NORFOLK, SS

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO. 2182CV00282

WALL STREET DEVELOPMENT CORP.)
Plaintiff,)
)
v.)
)
CHRISTOPHER J. CAMPBELL, CATHY)
J. CAMPBELL, RICHARD A. CAMPBELL)
ROBERT CAMPBELL, PATRICIA CAMPBELL,)
JOHN CONROY and JUDITH CONROY)
Defendants.)

Lausit

NOTICE OF MOTION TO DISMISS

Defendants hereby give notice pursuant to Superior Court Rule 9E that they have served a Mass.R.Civ.P 12(b) motion to dismiss on Plaintiff's counsel pursuant to Superior Court Rule 9A.

JACK AND JUDITH CONROY
By their attorney,

/s/ Amato J. Bocchino, Jr.
Amato J. Bocchino, Jr., Esq.
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Beverly MA 01915
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