



Town of Walpole
Commonwealth of Massachusetts
Zoning Board of Appeals

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

MINUTES
WALPOLE ZONING BOARD OF APPEALS
FEBRUARY 15, 2023

Present: Drew Delaney (Vice Chair), Robert Fitzgerald (Clerk), David Anderson (Member), Judith Conroy (Member), Mark Major (Associate Member), Tim Hoegler (Associate Member)

Absent: John Lee

Also Present: Patrick Deschenes and Lauren Michalski (Community and Economic Development)

Mr. Delaney called the meeting to order at 7:00 P.M.

Board Business – Follow up discussion of future meeting schedule and changing meeting dates.

Mr. Deschenes presented two meeting schedules to the Board. Option 1 meet on the 2nd and 4th Monday of each month. Option 2 meet the 1st Wednesday of the month with the option to meet on the 3rd Monday as needed. Mr. Deschenes explained option 2 was preferred as it was similar to other Towns.

Ms. Conroy asked if staff asked the Conservation Commission to swap meeting schedules to continue with the Wednesday pattern. Mr. Deschenes did not ask them.

Mr. Fitzgerald asked for clarification on the need to amend the meeting schedule and Mr. Deschenes provided context for him.

Mr. Hoegler asked why there was not a meeting scheduled for Wednesday, May 3rd. Mr. Deschenes explained that the Board could not meet on that day due to Town Meeting. He added that on option 2, April, May and June would require the Board to vote on secondary meeting dates for those months the planned secondary meeting date conflicted with holidays.

Mr. Fitzgerald asked if the change in meeting schedule would pose a problem for opening public hearings. Mr. Deschenes said all new public hearings would be planned around the 1st Wednesday and the Board would know a month in advance if a secondary meeting was required. The Board would need to meet on March 20th to account for several new application that had been received.

Ms. Conroy asked staff to provide the upcoming caseload so they could be aware if a second meeting was needed.

Mr. Fitzgerald asked if the Monday schedule was better for planning purposes. Ms. Conroy suggested the Board try option 2 for a few months and noted this could always be changed if the Board chose. She also suggested starting meetings with lengthy agendas earlier (6:30-6:45 PM) if others had availability. The Board agreed.

The Board preferred option 2 and chose April 24 and June 26 as secondary meeting dates for those months. They decided that May 15th would be the only meeting for May to account for Town Meeting. August 2nd was removed. Mr. Deschenes read through the finalized meeting scheduled with adjusted dates.

Motion by Mr. Anderson, seconded by Mr. Major to approve the new 2023 meeting schedule.

Motion carried 6-0-0 (Delaney -aye; Anderson-aye; Fitzgerald -aye; Conroy-aye; Major-aye; Hoegler -aye)

Case No. 23-2, High Plains Holdings, LLC, 173 High Plain Street, Modification to ZBA Case No. 22-1 in order to update the plan of record to reflect the final site plan approved by the Planning Board.

Case No. 23-2 opened at 7:20 PM.

Daniel Merrikin, engineer, appeared before the Board. He requested a modification to the existing Special Permit in order to update the plan of record approved by the Planning Board. At the original Zoning Board meetings, an abutter asked if the dumpster could be moved. The ZBA Special Permit was already voted. The Planning Board approved a plan that included a change in the location of the dumpster.

Mr. Merrikin explained that while he was away, the applicant appeared before the Zoning Board. There was a miscommunication by the applicant and a concrete sidewalk was conditioned in error. Mr. Merrikin confirmed the sidewalk would be bituminous.

Mr. Delaney read the department comments into record.

Mr. Merrikin added that the plans incorporated many department comments with the exception of Officer Parlon's comment regarding the installation of a solar LED flashing crosswalk light at Bird Middle School. Mr. Hoegler thought there was already a crosswalk like at the school. Mr. Merrikin felt this was a confusing comment and noted he reached out to Officer Parlon to rectify it but had not heard back.

Ms. Conroy asked if Officer Parlon could revise his letter and strike out this comment.

Mr. Delaney felt that since there was a chance children could live in the building that it would not be unreasonable for Mr. Merrikin to install the light.

Mr. Fitzgerald did not believe a common link was established and requiring Mr. Merrikin to install the light was not necessary considering this school was being rebuilt.

Mr. Major said as long as there was adequate sidewalk and signalized intersection, he would agree to not make this a requirement.

Ms. Conroy did not feel comfortable voting against a suggestion noted in the Safety Officer's letter. She requested that it be removed. Mr. Delaney agreed.

Mr. Deschenes noted that this project already went through Zoning and Planning Board review. He did not believe this comment applied.

Mr. Fitzgerald said the applicant was only before the Board to amend the plan of record and he did not believe the Board should entertain the comment as the school was 1/10th of a mile away.

The Board agreed that it did not apply, but they wanted it cleared on the letter. Mr. Deschenes point out it was only a suggestion by Officer Parlon and not a requirement.

Daniel Aluigi, 8 Holland Way, appreciated the movement of the dumpster. He was the rear abutter that requested the relocation. He asked about the planting of arbor vitae which was agreed upon as well. Mr. Merrikin noted the landscape plan was not submitted to the Board. He was able to produce a copy and showed Mr. Aluigi.

Motion by Mr. Anderson, seconded by Ms. Conroy to close the public hearing

Motion carried 5-0-0 (Delaney -aye; Anderson-aye; Fitzgerald -aye; Conroy-aye; Hoegler -aye)

Motion by Ms. Conroy, seconded by Mr. Fitzgerald to approve the Special Permit Modification to update the plan of record approved by the Planning Board, dated October 27, 2022 as well as remove condition 11.

Motion carried 5-0-0 (Delaney -aye; Anderson-aye; Fitzgerald -aye; Conroy-aye; Hoegler -aye)

Case No. 22-4, Thomas J. Powers, 132, 136, 140 Washington Street, Special Permit under Section 5-B.1.3.g of the Walpole Zoning Bylaws to allow for a three (3) story, six (6) unit, mixed-use residential development within the Business (B) Zoning district. (Continued from 1/18/23)

Case No. 22-4 opened at 7:38 PM.

Daniel Merrikin, engineer, appeared before the Board. He explained he was still in the process of working with the Conservation Commission on several items. He said he needed a month to work on those items.

Mr. Merrikin request a continuance to March 20, 2023 and agreed to an extension of time until March 31, 2023.

Motion by Mr. Anderson, seconded by Ms. Conroy to continue March 20, 2023 and an extension of time until March 31, 2023.

Motion carried 5-0-0 (Delaney -aye; Anderson-aye; Fitzgerald -aye; Conroy-aye; Major -aye)

Minutes:

January 4, 2023:

Ms. Conroy asked that there be clarifying language to note a staff level meeting occurred with the Chair and Vice Chair that resulted in changes to the in-law suite bylaw.

Motion by Ms. Conroy, seconded by Mr. Fitzgerald to approve the January 4, 2023 minutes as amended.

Motion carried 4-0-0 (Delaney -aye; Fitzgerald -aye; Conroy-aye; Major -aye)

January 18, 2023:

No Board comments.

Motion by Ms. Conroy, seconded by Mr. Major to approve the January 18, 2023 minutes.

Motion carried 5-0-0 (Delaney -aye; Fitzgerald -aye; Conroy-aye; Major –aye; Hoegler -aye)

February 1, 2023:

Mr. Delaney corrected a vote of the Board. Ms. Conroy’s name was to be replaced with Mr. Major as he seconded the motion.

Motion by Ms. Conroy, seconded by Mr. Anderson to approve the February 1, 2023 minutes as amended.

Motion carried 5-0-0 (Delaney -aye; Anderson –aye; Conroy-aye; Major –aye; Hoegler -aye)

Adjournment:

Motion: by Ms. Conroy seconded by Mr. Anderson to adjourn.

Motion carried 5-0-0 (Delaney -aye; Fitzgerald-aye; Anderson-aye; Conroy -aye; Hoegler-aye;)

Meeting adjourned at 7:48 P.M.