



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 JUNE 26, 2023

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

Also Present: Patrick Deschenes, Community Development Director and George Pucci, Town Counsel

Mr. Lee called the meeting to order at 7:02 P.M.

Case No. 22-11, Wall Street Development, Pinnacle Point, Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, Sections 20 through 23, as amended, to allow for the construction of twenty-eight (28) homeownership, non-age restricted, condominium townhouses.
Case No. 22-11 opened at 7:03 P.M.

Mr. Lee read the public hearing notice into record and explained that this case was opened in 2022. At the initial meeting, the Town claimed Safe Harbor which the applicant, Mr. Petrozzi, appealed to the Department of Housing and Community Development (DHCD). DHCD sided with Mr. Petrozzi as the 40B project located at Summer Street had not pulled their building permits within one year and the Town would now not be able to include those affordable units into its SHI until permits were pulled. After DHCD's denial the Town appealed their ruling to the Housing Appeals Committee which as of May 11, 2023 ultimately did not rule in the Town's favor thereby sending the project back to the Board. The new timeline for this project would mean that a decision needed to be filed with the Town Clerk no later than November 6, 2023.

Mr. Petrozzi, applicant, appeared before the Board. He explained he received a site plan approval letter to construct 40 units. He reduced the number of units from 40 to 28 and removed one parcel from the project which he planned to use for a single family home. The project was located against Bird Pond. He received an exemption from DEP as a historic mill complex which allowed exemptions from certain regulations. He added that the property fell under previously degraded riverfront area and there was a potential that the plans would be revised for one 40 unit building should he receive additional information from DEP.

Mr. Lee asked if the changes to the parcels or increase in units would affect the PEL. Mr. Petrozzi said a new PEL was not required and the single family home on the lot that was removed from the project would be more pleasing to the neighbors.

Mr. Lee asked how many affordable units were proposed. Mr. Petrozzi confirmed 25% of the units would be affordable.

John Glossa, Project Engineer, presented an overview of the lot. There would be access to the parcel from Pinnacle Drive. Units on the right side abutted the Rose Court development and units on the left abutted the Neponset River. He explained that the parcel was substantially lower than the existing homes on Pinnacle Drive. There would need to be several retaining walls built and a leveling area at the top of

Pinnacle Drive. Sewer stub access would be utilized from Rose Court. Water main would be utilized from Pinnacle Drive. For building with more than two units, fire protection would be installed along with sprinklers.

Mr. Fitzgerald pointed out some of the retaining walls would be 12-ft tall. He asked Mr. Glossa if he planned to change the grade. Mr. Glossa said there would be changes to the grade, however the new units would be 17-ft below the existing homes. He added that all runoff would be captured. The goal was to recharge as much into the ground as possible.

Mr. Deschenes noted that in order for a complete review to be done on this project, the applicant would need to submit a landscaping plan, lighting plan, storm water report as well as more general details regarding the project.

David Corbett, 7 Pinnacle Drive, asked what the next steps of the process were after this initial hearing. Mr. Lee explained the process to him in detail and assured him there would be several additional meetings for all abutters to discuss their concerns. He explained the process of peer review and how the Board would work with Mr. Petrozzi for an acceptable project. Mr. Corbett noted he was not against development but had concerns regarding the layout of this project.

Debbie Driscoll, 27 Pinnacle Dr, was opposed to the removal of trees and feared the site would be clear cut. She asked how tall the retaining wall was going to be near her property. Mr. Glossa confirmed it would be 22-ft tall.

Mr. Lee noted the next public hearing would be July 26, 2023. The Board would use Tetra Tech as peer review and asked Mr. Petrozzi if he would be willing to pay \$15,000 to fund the peer review prior to the next meeting. Mr. Petrozzi said he wanted to review the scope of work before he agreed to pay. Mr. Lee explained to Mr. Petrozzi that he had not submitted complete materials needed for a thorough peer review so a scope could not be provided. Mr. Lee stressed the expedited timeline the Board had to abide by and wanted to get peer review started immediately. Mr. Petrozzi understood and would be willing to work with the Board by extending the deadline. He wanted to wait until July to pay for peer review.

Motion by Mr. Fitzgerald, seconded by Mr. Delaney to continue the public hearing to July 26, 2023.

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

Case No. 22-10, Wall Street Development LLC, with respect to the property located at Darwin Lane (Map 42, Parcels 240 & 227-13) for a Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, Section 20 through 23 as amended, to allow the construction of twenty-eight (28) homeownership, non-age restricted, condominium townhouses in six (6) buildings on approximately 3.44 acres.

Case No. 22-10 opened at 7:35 PM

Mr. Lee read the public hearing notice into record and explained the case's background which followed the same actions as the previous case (Pinnacle Point). The timeline for this project would also be expedited and a decision needed to be filed with the Town Clerk no later than November 6, 2023.

Mr. Petrozzi, applicant, said the project consisted of 28 townhomes. He noted that a stormwater management report still needed to be provided and he had begun conducting test pits.

Mr. Lee asked for a fire truck turning radius. Mr. Petrozzi noted that was completed, however he needed to submit it to Town staff.

John Glossa, project engineer, explained Darwin Lane was an existing 1,000-ft road and the project would be comprised on two parcels at the end of the road. The parcels were lower than the street and the site was comprised of sandy gravel with no water table present. At the bottom of the hill, the site flattened out and there was indications of the water table at 8-ft. Mr. Glossa believed it would be simple to design stormwater management for this site. Building that had three or more units attached would be fire rated with sprinklers.

Mr. Lee asked if the stormwater system was completed. Mr. Glossa responded that it was not completed but close to being finished.

Mr. Lee was very concerned with the proximity to Town drinking water supply and well heads. Mr. Glossa understood and noted all stormwater would be infiltrated into the ground. He would require source control for nitrogen and phosphorus which would be easy to regulate with the proposed system. All modern catch basins would have heavy outlets where anything that floated would be trapped.

Ms. Conroy asked if Mr. Glossa could show where the well heads were located. Mr. Petrozzi noted it could be provided, just not at this time. Mr. Glossa said he could get a map, but noted the nearest well heads were 400-ft from the line due to the existing agreement with the Town. Ms. Conroy was still very concerned as she believed the land was purposefully underdeveloped to protect the drinking water. Mr. Deschenes noted there was a letter received from Water and Sewer with the same concerns. He believed this should be a low impact development to limit the amount of impervious area.

Mr. Glossa explained that ever Town had a well head projection area. The proposal would meet the state requirements.

Mr. Delaney noted from the plans that water would shed from Darwin to the proposed site, then would trickle to the well head area.

Mr. Fitzgerald asked what contingencies were there in place for sewer pumps and bypass alternatives. Mr. Glossa said there would not be any bypass. If the pumps were full there would be a visual and audible alarm. It would give the operator enough time to empty the well and identify the issue. He noted this would not be subject to Title V, rather it would be subject to Sewer regulations.

Ms. Conroy referenced the Water and Sewer memo from 2022. She expressed concern that the project would disturb the natural filter for the Town drinking water.

Mr. Anderson arrived to the meeting at 7:58 PM.

Mr. Glossa noted that supplemental information and plans for this project would be submitted prior to the next meeting. Mr. Lee said it should have been included in the original application.

Dennis Murphy, attorney for several abutters, conducted research on the history of the parcels and Darwin Lane. He found in 1996 a waiver was granted to construct a road beyond 750-ft. The owner at the time went before the Planning Board twice to extend the road and was denied both time. He continued that Mr. Petrozzi then presented plans for 5 and 12 units which were both denied by the Planning Board. Mr. Murphy did not believe that Mr. Petrozzi intended to build 28 units and noted that many of the neighbors

would be amenable to 5 to 12 single family homes. He believed that the Board did have the opportunity to invoke safe harbor for a third time. He believed Mr. Petrozzi used the 40B application as leverage for his recent subdivision proposal within a 12-month period which was prohibited. He asked the Board to deny the project as the water supply concerns were also shared by the neighbors.

Scott Meehan, 24 Pinnacle Drive, thanked the Board. He felt the unit counts for this project and Pinnacle Drive were for Mr. Petrozzi's personal interest. He was not opposed the development but felt the units were too dense for the areas.

Thomas Dunleavy, 26 Darwin Lane, noted the traffic study suggested 14-19 cars drove on Darwin Lane at peak traffic times and evening. Mr. Dunleavy stated that he worked from home and felt those numbers were low as Darwin Lane was often used for cars turning around on Common Street.

Motion by Mr. Delaney, seconded by Mr. Fitzgerald to continue to July 26, 2023.

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

Case No. 23-21, KIG/Silverstrand Walpole, LLC, 981, 989 and 1015 East Street (Map 25, Parcels 164, 165, 166), Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, §§20-23 as amended, to allow the construction of a six story building with 142 apartment units and below grade garage.

Case No. 23-21 opened at 8:12 PM.

Mr. Lee read the public hearing notice into record.

Geoff Engler, principal member of applicant group, appeared before the Board. He noted this project had been in collaboration with the Town since August of 2021 and introduced the development team. The propose plan, consisting of 142 apartment style units in a five story building, would meet the Town's Housing Production Plan goals and move the Town closer to Safe Harbor. As this project was comprised of rental units, all 142 units would be accounted for in the Town's SHI.

Mr. Engler presented several photos of existing conditions. He discussed the idea of smart growth and noted the projects proximity to the MBTA station. The two family home was not in the original plans, however the Town urged the development team to acquire the property and include it in this project. The proposed plans were a culmination of all feedback they had received from the Town.

Steve Regal, architect, explained the project was comprised of 3 contiguous lots. A six story building was proposed with roughly 171,000 gross sqft. There would be 171 parking spaces below grade. The building was relocated on the lot to be shifted inward and away from abutters. The first floor would have a library, lounge, rideshare waiting area and fitness center. There are two interior staircases, two elevators and all units will have an open kitchen and living area. There were also proposed car charging stations and the roof would be ready for solar panels. Mr. Regal presented concept renderings and floor plans. Units would have washers and dryers within each unit.

Mr. Regal explained that repositioning the building to the front of the lot created room for fire truck access around the building. The Fire Department had requested a railing on the roof which Mr. Regal added. They also requested EV stations be removed from the underground garage due to a potential fire hazard. EV stations were moved to surface level parking spaces. The swimming pool was moved inside the building and the co-work space would be a public amenity that non-residents can utilize.

Leslie Fanger, Bohler Landscape Architect, discussed the pocket parks on East Street. There was also a walking trail around the building, both of which were publicly accessible. Ms. Fanger chose to use primarily shrubs over trees as there were utility lines underneath which would not be conducive to planting trees. A full plant list was provided and no invasive species would be used.

Regarding lighting, Ms. Fanger explained the use of illuminated bollards. Bollards would be utilized in the pocket parks and all street lighting would be down lit.

John Cusak, Bohler Project Engineer, noted the existing conditions plan showed a largely paved area with no stormwater features. The new plans showed access around the entire building. There would be four driveways, two around the perimeter which would be two directional and two in the front of the building which would have one way access. Regarding grading, Mr. Cusak noted the site was flat. There was sewer onsite in the middle of the proposed building. The sewer will be moved around the perimeter and an easement would be granted to the Town.

Jeffrey Dirk, Traffic Engineer, prepared a traffic impact report. He noted the area was highly walkable and supported bike use. An MBTA station and local bus route were in close proximity. All modes of transportation were studied and 40-45 car trips an hour at peak times. Mr. Dirk said optimal traffic patterns would be created. His goal was to establish green bands that would move traffic through the area quickly and efficiently. A road safety audit would need to be conducted. Safe bike parking would be established inside and outside of the building.

Mr. Fitzgerald asked if there would be pedestrian access to the MBTA station. Mr. Engler said sidewalk enhancement were possible, but the MBTA parcel next to the building might be utilized in the near future as a possible new station. They would need to determine how the MBTA intended to use that lot in order to proceed with sidewalks in that location.

Mr. Fitzgerald asked if there was any consideration to remove the front parking and extend the pocket parks and landscape. Justin Krebs, ownership group, said the front parking was for visitors to the building, handicap drivers, and delivery drop-off

Ms. Conroy asked if there was any consideration to make entrance one way. Mr. Engler said it was originally considered but the Town wanted it changed. Ms. Conroy said that area created a lot of traffic queuing most days. Mr. Regal noted the two way access created less queuing and gave the site more flexibility.

Ms. Conroy asked if the affordable units were ever considered to be less than 80% AMI. Mr. Engler said no and that they would be between 70-80% AMI. Ms. Conroy recalled a zoom meeting where the applicant group said they would consider less than 80% AMI.

Mr. Lee said there was a delivery issue with other buildings. He asked how delivery drivers would know to use the rear area. Mr. Krebs noted there was a natural area adjacent to the front entrance. Mr. Engler noted the original plans had a delivery area near the road but the Town was not in favor. Mr. Regal noted the signage would be clear and the management component would help.

Mr. Lee noted large trees on the renderings. Mr. Regal noted that was an error on the plans. Mr. Lee asked if they could be incorporated.

Regarding stormwater, Mr. Cusak said test pits could not be done as the building were still there, however he made educated assumptions.

Mr. Lee noted the applicant requested a waiver for height. He asked if there could be mitigation so it did not seem so tall. Mr. Engler said more architectural details could be used.

Linda Winslow, 16 Brown Drive, said the area was too congested for another high rise to be allowed. The surrounding parcels also had plans for future expansion and she was concerned it was too much development.

Regarding the affordable unit process, Mr. Engler noted the Board could approve local preference.

George Pucci, Town Counsel, noted there was an additional process than the Board approving it and it was not guaranteed.

Steven Melser, Liberty Station Attorney, was not opposed to the development. His concern regarded parking. He believed the proposed parking ratio was too low. In his experience with Liberty Station, they have needed to rent spaces from nearby to address the problem. He believed a potential problem could be avoided for this project now if the parking ratio was increased. Mr. Krebs thanked Mr. Melser but felt the unit mix needed to be studied before any claims about parking could be made.

Mr. Lee said peer review would be conducted by Tetra Tech. Mr. Engler agreed to peer review.

Motion by Ms. Conroy, seconded by Mr. Anderson to continue to July 26, 2023.

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

Vote to Release Peer Review Funds – Burns Ave

Ms. Conroy recused herself.

Mr. Lee asked how much money was left in the fund for this project. Mr. Deschenes confirmed \$7,930.00.

Motion by Mr. Fitzgerald, seconded by Mr. Major to return peer review funds to Mr. Petrozzi.

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

Mr. Deschenes presented a proposed itinerary for the Board as two additional 40B projects would begin in July. There was a summary of what should be accomplished at each meeting. Mr. Lee said it was a great roadmap for the Board.

Adjournment:

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

Motion carried 7-0-0 (Lee -aye; Delaney-aye; Fitzgerald -aye; Anderson-aye; Conroy – aye; Major-aye; Hoegler-aye)

Meeting adjourned at 9:49 P.M.