



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

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

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**MINUTES  
WALPOLE ZONING BOARD OF APPEALS  
SEPTEMBER 6, 2023**

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

Absent: David Anderson

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

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

Ms. Conroy read a personal statement regarding her eligibility to vote on cases pertaining to Lou Petrozzi.

**Case No. 22-11, Wall Street Development Corp., 9 & 15 Pinnacle Drive (Map 19, Parcels 182 & 183), 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. Petrozzi appeared before the board and submitted a letter to the Board requesting a 60-day continuation as well as a 60-day extension of time.

**Motion** by Ms. Conroy, seconded by Mr. Major to continue the public hearing to November 1, 2023 and an extension of time to February 23, 2024.

Motion carried 5-0-0 (Lee –aye; Delaney –aye; Fitzgerald -aye; Conroy-aye; Hoegler –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 7:03 PM

Mr. Petrozzi appeared before the Board. He explained that since the last hearing it took a long time to complete revisions and complete the stormwater management report.

John Glossa, Project Engineer, said changes to the site plan included a common mailbox with parking, added visitor parking and a no parking area. “No Parking” would also be painted onto pavement along with painted white lines to identify limits in the cul-de-sac.

Mr. Fitzgerald noted visitor parking was located within the public right of way. Mr. Glossa said the parking spaces for the common mailbox were located in the right of way, not visitor parking. The original stormwater plans for the existing subdivision was created 30 years ago and not built to today's standards. The watershed area needed to be identified. Current conditions showed that water flowed to the northwest if the basin overflowed. This was identified on the pre and post watershed plans.

Mr. Glossa did not anticipate the basin overflowing. He did not find that stormwater would flow out of basin under a 100-year storm. He added that the plans met Massachusetts storm water standards and regulations. There was a wellhead located approximately 400-ft away and two others approximately 1,000-ft away.

Mr. Lee asked what percentage of impervious surface area was proposed. Mr. Glossa said roughly 46.6%.

Sean Reardon, Peer Reviewer, challenged Mr. Glossa's findings regarding a 100-year storm. It appeared there was no testing done between the 25 and 100 year storms. Mr. Reardon argued that was a long time for missing testing and did not believe that the findings presented were accurate.

Mr. Glossa said he was only required to test for a two and ten year storm and went beyond to test a 25 year storm. Mr. Lee acknowledged the State requirements for testing, however he said this property was unique due to its proximity to a wellhead and therefore it needed additional testing beyond a two and ten year storm.

Mr. Glossa explained the system would handle the first inch of runoff and noted that certain elements did not need to be treated. There was a proposed sewer discharge pump station in the middle of the site which would pump to an existing manhole with a 6 inch pipe. Mr. Glossa had recommended that his client contact FR Mahoney, a company that supplied pump stations. Mr. Glossa recommended an Environment I model which would maximize the grinding of sewage. He noted those models were used in Walpole and other surrounding towns. They had two switches and alarms which would sound to notify when a problem occurred. 3 pumps would be used and would have their own force main. On the site, the water main would split to the left and right and end with a hydrant.

Mr. Lee asked for the size of the force main. Mr. Glossa said there would be two 2-in pipes. Mr. Lee asked if the system would be gravity flow. Mr. Glossa confirmed it was a gravity flow system. Mr. Lee noted that the Town Engineer, Carl Balduf, had concerned with the design. Mr. Lee asked if the project tied into the Town system, who would maintain system and would there be an HOA created. Mr. Glossa said it would belong to the neighborhood and an HOA would pay to maintain it.

Ms. Conroy said she requested the wellhead locations be shown on the plans at the last meeting. Mr. Glossa presented her with a separate sheet that was not shown on the plans. Ms. Conroy noted that this area was located within Zone 2 Well Protection which had a limit of 15% impervious area under Zoning Bylaws. She questioned how this provision could be tripled for this project. Mr. Glossa explained that the limit could be increased if mitigation was incorporated with the increase of impervious surface.

Ms. Conroy asked if there was any positive data to support the applicant's claim that nothing would get into the Town drinking water. Mr. Glossa said he would provide a report at the next meeting.

Ms. Conroy asked for Water and Sewer comments at the last meeting. Mr. Deschenes explained they commented on the original application but did not provide updated comments to the revisions as they were just received last week.

Mr. Delaney expressed concern over proposed sewer system. He wanted to know how the applicant could ensure the system would not back up with a gravity system injecting sewer with pressure. Mr. Glossa explained it was a low pressure pump which would be a benefit as the road currently had a dead end sewer. The new units would push everything out from the existing cul-de-sac.

Mr. Reardon added that the discharge from the force main went to the gravity system then to the street. A gravity break was usually required. The system could not go to a public manhole. A new manhole would need to be located on the project site. The pump to the gravity system also needed to be contained on the project site.

Scott Horsley, hydrologist retained by Hill Law on behalf of the abutters asked to speak. Mr. Horsley stated his qualification having previously worked with the Federal Government and Massachusetts DEP. Mr. Horsley reviewed the location of the Town drinking water in relation to this site. The site was located with a Zone 2 and said water could be altered in this zone. There are six public supply wells within close proximity to the site and Zone 1 was considered a fast transfer area. The site was located in Zone 2 and up against Zone 1 which made the area highly permeable. Contaminants could travel through that are very quickly. He cited regulations and discussed degradation. MA DEP standards may not be proper and suggested that the Board follow Town regulations as they were more restrictive. Pollutants would infiltrate the drinking water. He advised the Board to enforce maximum setbacks and lower density. The Town needed to weigh affordable housing vs. public health at this site. He believed that there were other areas in the town that could handle this higher density, but not at this location.

Mr. Fitzgerald asked Mr. Horsley how he could determine there would not be any degradation. Mr. Horsley suggested designing a treatment system. He noted it would be very costly.

Bill Hamilton, 31 Eldor Drive, expressed concern over potential water contamination.

Paul Parlon, 22 Eleanor Road, explained that staff from Water and Sewer had to replace a pipe on the street. He also had major concerns regarding contamination. He recommended there be a high bond.

Brian Canavan, 1288 Washington Street, asked if Town Departments had the opportunity to update their original comments. Mr. Lee said all comments could be updated as new information was received. Mr. Canavan was concerned with visitor parking. He also expressed concerned that any emergency, such as a fire, could send contaminated water to the well head.

Mr. Reardon said it was very rare to see development with a Zone 1. Mr. Glossa said the project was within Zone 2. Mr. Reardon noted a portion of the parcel was within Zone 1.

Mr. Deschenes said he would follow up with Town Departments for updated comments prior to the next meeting.

**Motion** by Mr. Delaney, seconded by Mr. Fitzgerald to continue to October 11<sup>th</sup>.

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

**Case No. 23-26 related to previous 03-20, 55 SS LLC., 51-53-55 Summer Street, Modification to the previously approved Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, Section 20 through 23 as amended, to allow for the construction of a 56-unit apartment style building that will replace the previously approved fifty-six (56) single-family and duplex ownership units located on Lot 2. This modification will also seek to move three (3) of the townhouse style rental buildings from Lot 1 to Lot 2 and eliminate the previously proposed Homeowner’s Association. (Continued from August 21, 2023)**

Case No. 23-26 opened at 8:17 PM.

Mr. Major recused himself.

Mr. Hale appeared before the Board and provided an update from the last meeting. Town Counsel circulated a draft decision and the Board challenged the applicant to make the project more tied into the community. The publicly accessible trail was extended and wildflower seeds will be spread to beautify the area. The Town suggested a \$100,000 donation to the South Walpole pool. He noted a petition had been stated for a railroad quiet zone. He was willing to donate funds that could be solely earmarked for the development of a quiet zone. To show a good faith effort, he agreed to donate \$125,000 towards a quiet zone.

Mr. Lee said the previous project had a single family ownership component was not appealed because it was something the neighborhood wanted and happy to see added to the community. Since that component has been proposed to be removed, the neighborhood lost that element of the project and he questioned how the site would be a part of the community. Mr. Hale said the proposal was not going to change and the donation to the quiet zone was the best he could offer the community. He reminded the Board that anything outside the project was not required. A quiet zone could have a positive impact on the community.

Erica Burdon, 1915 Washington Street, asked that the request be denied. The decision was already made after a two year process where the neighborhood thought they were shown the best case scenario. She noted that most people did not want the quiet zone implemented as the petition only received 100 signatures. She felt the developer was only looking out for their best interest and did not think of the interest of the neighborhood. She noted the quiet zone fee could exceed \$125,000 then the Town would need to fund the rest.

Mark Meleger, 11 Shufelt Road, researched rent prices which were very high and no longer affordable. He believed this project should represent the American Dream which was homeownership and the affordable ownership units originally proposed would do that.

Bill Hamilton, 31 Eldor Drive, urged voting members to meet with public safety officials to ensure the crossing at the railroad was safe. He feared the voting members could be found negligent if there was a problem and the modification should be denied due to environmental factors.

Mark Major, 11 Summer Street, speaking as a member of the public and not a Board member, believed the modification would increase traffic on an already poorly designed train stop. He believed that losing the homeownership aspect of the project was a detriment as there were no affordable project in Town that

were not apartment style homes. The affordable home inventory in Town now lacked diversity due to the modification.

Ms. Burdon said the applicant should decrease the number of units if there was no other option than to continue with the modification. She said the project was too big.

Mr. Hale explained that rent prices were consistent with area rent prices. He was proud of his projects and this would be a part of the community regardless of rental or ownership units.

Attorney Louis Levine, attorney for applicant, said the Board needed to determine if the modification created a hazard to public health. There was no difference between ownership and rental units. The change from ownership to rental was not included in the criteria for denial. The Board could only focus on the 56 units that were being changed.

Mr. Reardon went over the changes and provided a letter. He said the changes were overall positive.

Mr. Levine asked to close the public hearing. Mr. Lee denied the request stating that there was still time for the Board to render a decision and the hearing would remain open. Mr. Levine asked what was outstanding from the project. Mr. Lee wanted it to tie into the community.

Mr. Deschenes stated due to the most recent revision of the plan, an updated letter from peer review would be helpful before closing.

**Motion** by Ms. Conroy, seconded by Mr. Hoegler to continue to October 11, 2023.

Motion carried 5-0-0 (Lee-aye; Delaney-aye; Fitzgerald -aye; Conroy –aye; Hoegler - 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. (Continued from July 26, 2023)**

Case No. 23-21 opened at 9:12PM.

Geoff Engler, applicant, appeared before the Board. He submitted a revised plan and materials on September 1<sup>st</sup>. He wanted to focus the conversation on engineering, parking and architecture.

Eric Dubrule, Bohler Engineering, proposed a sidewalk to extend along the MBTA land until it met the existing sidewalk. The shoulder was narrowed to keep the sidewalk out of the public way. Mr. Lee noted there was a previous crosswalk at midblock and asked if it had been removed. Mr. Dubrule confirmed it was removed once the sidewalk was extended. Ms. Conroy didn't agree with the removal of the crosswalk in front of the building and thought it should remain.

Mr. Engler confirmed it was Town Engineer's preference to be removed. Mr. Lee agreed that it would create too many crosswalks within a condensed area. Mr. Reardon agreed that midblock crosswalks were not preferred.

Ms. Conroy still preferred the midblock crosswalk as a convenience for residents exiting the main building. Mr. Krebs asked what destination Ms. Conroy was concerned regarding access. Ms. Conroy thought it would be human nature to cross from the front door.

Mr. Duburle noted the Fire Department asked for one way circulation onsite and did not want a fire truck to cross lanes of traffic to get into the site. Mr. Lee asked if the Fire Department provided additional comments. Mr. Deschenes said that since the updated materials were submitted September 1<sup>st</sup>, he has not received updated comments.

Mr. Krebs discussed parking. He explained the fundamental driver of parking was the bedroom count and 70% of the proposed units were studio and 1 bedroom. The parking ratio was at the lower end due to the low bedroom count. Parking passes would be issued to residents. He compared this project to their other site in Framingham which had a 1:1 parking ratio reported a 12% surplus of spaces using unassigned parking with a parking pass.

Mr. Delaney said this was a good start, but asked what stopped tenants from potentially parking elsewhere. Mr. Krebs said there would not be public spaces and believed the parking onsite was sufficient for the proposed project and tenant demand. Mr. Delaney said local businesses found parking to be a challenge. He did not believe Framingham was a comparable site and that the lack of parking could become a burden for the Town.

Steve Metzer, Liberty Station, explained there was a major parking problem at their site. They find themselves having to call the police multiple times a week. He agreed this site could not be compared to Framingham. He noted their site would be adding lifts and had to contract offsite locations for additional parking.

Mr. Lee acknowledged that parking was a concern, but he also noted that he had visited the parking around the Union & West apartments in town that have unassigned parking. It appeared him that the method of unassigned parking worked better than assigned parking and was not as concerned with parking at this site as he previously was.

Ms. Conroy asked how many guest parking spaces were proposed. Mr. Krebs said there would be 8 visitor parking spaces. Ms. Conroy asked what would happen on holidays when there could be an influx of visitors. Mr. Krebs did not believe that to be a scenario that was a high probability.

Mr. Reardon said that many residents would be gone on holidays and weekends and agreed that unassigned spaces would be preferred. He added that parking was at a reasonable range.

Ms. Conroy asked if additional data could be provided on the applicant's other projects such as number of residents per apartment and cars per unit. Mr. Engler said occupancy was regulated by state standards.

Steven Regal, architect, went over design details. He stated the building was a unique shape with features that encouraged public interaction. The building was pulled away from the street which allowed 360 degree fire truck access. There were enhancements to the front façade and additional articulation on the top floor.

A model was submitted to show what was allowed to be built by right in order to show the effort that was made to make this proposal appealing and part of the community. A shadow study was also included.

Mr. Lee expressed concern over the height of the building. He asked if it could be reduced. Mr. Engler said based on a number of factors it was not possible to reduce the height but they would look into it. He reminded the Board that height needed to have a quantifiable detriment.

Mr. Krebs added that if the building height was reduced by even four feet it wouldn't be noticeable. If they could have found an alternative solution they would have presented one.

Mr. Regal noted that they could build a wood frame up to 85-feet per the building code.

**Motion** by Ms. Conroy, seconded by Mr. Major to continue to October 11, 2023.

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

**Adjournment:**

**Motion:** by Mr. Hoegler seconded by Mr. Delaney to adjourn.

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

Meeting adjourned at 10:25 P.M.